

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5332 OF 2014

Maharashtra Vidharthi Vikas Association
Rajangaon Shenpunji through
its President .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. G. Salgare, Advocate for the Petitioner.
Smt. S. A. Dhumal, A.G.P. for Respondent Nos. 1 to 5.
Shri D. K. Rajput, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
V. L ACHLIYA, JJ.**

DATE : 10TH MARCH, 2015.

PER COURT :

. Mr. Salgare, the learned counsel submits that, the petitioner is already running school from Vth to XIth standards. The petitioner had applied for starting school from Ist to IVth standards that is primary. Even the inspection report also confirms the said fact. According to the learned counsel vide Government Resolution dated 15.06.2013 it was notified that, the petitioner is entitled for a primary school. Thereafter vide order dated 06th August, 2013, the Deputy Director of Education, Aurangabad Division granted permission to start VIth standard for the year 2013-2014. The petitioner is already having

permission of Vth to XIth standard. The application was for Ist to IVth standards. The said permission is erroneous. It ought to have been Ist to IVth standards. Even the inspection report is in favour of the petitioner. The learned counsel submits that, even on 15.10.2013, the petitioner had made representation with the Deputy Director of Education about the said mistake having occurred in the permission and requested to correct the same. No cognizance is taken of the same.

2. We have heard the learned Assistant Government Pleader also.

3. The application was filed by the petitioner under the self finance scheme to start Ist to IVth standards. The inspection report also states the same. The petitioner already is running the school from Vth to XIth standards. It is stated that, now it is upto 12th standard. Even the permission granted vide Government Resolution dated 15.06.2013 states that the petitioner's application is considered to run Marathi medium primary school. However, while granting the permission, it appears that, the permission is granted for VIth standard on the basis of up gradation. The same on the face of it *ex-facie* appears to be erroneous.

4. In the light of the above, we pass following order.

5. The respondent No. 3/Deputy Director of Education, Aurangabad Division, Aurangabad shall reconsider the order dated 06.08.2013 and so also representation dated 15.10.2013 about grant of permission to start the school from Ist to IVth standards to the petitioner expeditiously and preferably by end of May 2015. The petitioner may also represent itself before the Deputy Director of Education, Aurangabad Division. The writ petition is accordingly disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/March 15