

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

Writ Petition No. 5978 of 2015

Al-faaran Educational and Welfare Society,
Aurangabad, through its Joint Secretary,
Mohd. Rafiq s/o. Abdul Rashid,
Age : 41 years, Occupation : Social Work,
R/o. 71, Arif Colony, Ghati,
Aurangabad, Taluka & District : Aurangabad. .. Petitioner.

versus

1. The State of Maharashtra,
Through its Secretary,
School Education Department,
Mantralaya, Mumbai - 32.
2. The President,
Scrutiny Committee (Under Maharashtra
Self Financed School Act 2012)
@ Divisional Deputy Director of Education,
Aurangabad Division, Aurangabad.
3. The Secretary,
Scrutiny Committee (Under Maharashtra
Self Financed School Act 2012) @
Deputy Education Officer (Secondary),
Zilla Parishad, Aurangabad.
4. The Member,
Scrutiny Committee (Under Maharashtra
Self Financed School Act 2012) @
Education Officer (Secondary),
Zilla Parishad, Aurangabad.
5. The Member,
Scrutiny Committee (Under Maharashtra
Self Financed School Act 2012) @
Education Officer (Primary),
Zilla Parishad, Aurangabad. .. Respondents.

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Mr. V.G. Salgare, Advocate, for the petitioner.

*Mr. V.H. Dighe, Assistant Government Pleader, for
respondent nos.1 to 4.*

Mr. D.K. Rajput, Advocate, for respondent no.5.

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**CORAM : S.S. SHINDE &
A.M. BADAR, JJ.**

DATE : 12TH OCTOBER 2015

ORAL ORDER (Per S.S. Shinde, J.) :

1. Heard learned Counsel for respective parties.
2. This petition is filed with following prayer :-

[B] By writ, order or directions the respondent No.3 Scrutiny Committee may kindly be directed to allow the petitioner Minority Education Society to produce Bank Security / Endowment fund / Fixed deposit of Rs. 5,00,000/- and the respondent authorities be directed to allow the petitioner to run the classes from 8th to 10th of Urdu Medium from the year 2015-16.

3. In pursuance to the notices issued to the respondents, respondent no.4 has filed the affidavit in reply. In para 3 of the affidavit in reply, it is stated that the educational institutions, including the present petitioner, have submitted proposal for running schools as per the provisions of Maharashtra Self Financed School (Establishment and Regulation) Act, 2012. The said proposal, including the proposal of the petitioner, have been considered by the Committee. So far present petitioner is concerned, the same was rejected on the ground that the petitioner has not produced the certificate of fixed deposit as required and mandatory as per the provisions of Sections 3 and 4 read with Schedule C of the said Act. As per the provisions of Section 4 of the said Act, the Educational Institution / Society has to produce the National Saving Certificate or fixed deposit in any Nationalized Bank as security deposit towards creating and endowment fund as per Schedule C of the said Act. Since the petitioner did not comply the said mandatory requirement, the petitioner's application has been rejected.

4. By way of filing this petition, the petitioner is seeking directions to respondent no.3 to allow the petitioner to produce Bank Security / Endowment fund / Fixed deposit of Rs. 5,00,000/-, belatedly after the Committee has scrutinized the proposal and rejected the proposal of the petitioner. We do not see any reason to entertain this petition.

5. The petition stands rejected. However, we make it clear that rejection of this petition shall not be construed as an impediment in the way of the petitioner to file fresh proposal in adherence to provisions of

(4)

W.P. No. 5978 of 2015

Sections 3 and 4 of the Maharashtra Self Financed School (Establishment and Regulation) Act, 2012, for the academic year 2016-17.

(A.M. BADAR)
JUDGE

(S.S. SHINDE)
JUDGE

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