

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

WRIT PETITION NO. 5357 OF 2013

The Grampanchayat, Killari .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri S. N. Yelwatkar, Advocate for the Petitioner.

Shri K. M. Suryawanshi, A. G. P. for the Respondent Nos. 1 to 4.

Shri T. G. Gaikwad, Advocate for the Respondent No. 5.

Shri A. R. Kale, Advocate for the Respondent No. 6.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 27TH JULY, 2015.

PER COURT :

1. Mr. Yelwatkar, the learned counsel for the petitioner states that, the transfer of the Respondent No. 6 / School run by Respondent No. 5 at Killari is illegal. The school is required at Killari. By transfer of the school the children of Killari would be deprived of the quality education, so also the basic education. Even request was made to the authorities to cancel the said transfer. Gram Panchayat at no material point of time had given no objection for the transfer of the said school.

2. We have heard the learned A. G. P.

3. Transfer of the Respondent No. 6 / School was challenged by one Adarsh Gramin Shikshan Prasarak Mandal i. e. the society which runs the school at a place where Respondent No. 6 / School is transferred. The said challenge is negated by the Court in Writ Petition No. 6951 of 2013.

4. We have also gone through the affidavit filed by the Respondent / State which states that, there are three other schools in Killari which are being run and they are sufficient for addressing the needs of the students in and around Killari. The Respondent / School has started functioning at the transferred place since the year, 2012 – 2013.

5. Considering the affidavit filed by the Respondent / State, we are not inclined to entertain the challenge raised by the petitioner. Writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]