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

CIVIL APPLICATION NO. 6627 OF 2015
IN WP/3662/2014

SHRI GANESH SHIKSHAN PRASARAK MANDAL, AHMEDPUR THR. ITS
SECRETARY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr.Suryawanshi Govind G.
AGP for Respondent Nos.1 to 3: Mrs.Y.M.Kshirsagar.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 10th July, 2015

Per Court:

1 This Court (Coram : N.W.Sambre, J.) while dealing with this
Writ Petition No.3662/2014 had passed the following order on
07.04.2015:-

- “Learned Counsel appearing on behalf of the petitioner submits that the order dated 31st July, 2012, passed by the Commissioner, Women and Child Development, Maharashtra State, Pune, cancelling the registration of the petitioner for administering the hostel for children, is stayed in Writ Petition No.9252 of 2012 and other connected petitions, by the Division Bench of this Court, by order dated 5th December, 2012. He is praying for similar relief.*
2. *Learned Asstt. Govt. Pleader appearing on behalf of the respondents has opposed the said prayer on the ground that the petitioner has approached the State Government against the said order and the State*

Government has also rejected the appeal. According to him, the petitioner has approached this Court after a period of two years from the date of passing of the order by the Division Bench in the petitions involving similar claim.

3. *Perusal of the orders impugned herein, prima facie reflects lack of application of mind and no reasons are furnished.*
4. *Be that as it may, it will be appropriate in the fitness of things to stay the effect and operation of the final order of cancellation of recognition and cancellation of registration at the level of Commissionerate against the petitioner. However, a rider is incorporated, that the petitioner shall not carry out any further admissions to the institution, without prior permission of this Court."*

2 By order dated 19.06.2015 in this Civil Application, notices were issued to the Respondents with the following observations:-

- "1 *Pursuant to the order dated 07.04.2015 passed by this Court in Writ Petition No.3662/2014, the Applicant/ Petitioner was prevented from admitting the students to the Institution without prior permission of this Court.*
- 2 *This Civil Application is preferred for seeking permission of this Court to conduct the school and admit the students. The Applicant relies upon an order passed by this Court in Writ Petition No.9252/2012 and several other connected petitions dated 05.12.2012 by which, the learned Division Bench of this Court has stayed the orders of cancellation of recognition/ permission of the Institutions similar to the Applicant/ Petitioner. Pursuant to the said order, the said Institutions are running the schools.*
- 3 *Issue notice to the Respondents returnable on 03.07.2015.*
- 4 *Learned AGP waives service for Respondent Nos.1 to 3.*

5 *Looking at the urgency involved as the academic year in the schools has virtually commenced, there shall be no adjournment and this application would be considered on the returnable date.”*

3 Since the concerned District Women & Child Development Officer, Nanded has not filed his affidavit, I had passed the following order on 03.07.2015:-

- “1 *Pursuant to the order passed on 19.06.2015, learned AGP seeks only one week's time as a last chance to make a statement through the third respondent, as to whether similarly situated schools whose de-recognition has been stayed by the learned Division Bench vide order dated 05.12.2012 in Writ Petition No.9252 of 2012 (Sevadas Shikshan Prasarak Mandal Vs. State of Maharashtra) are operating their schools ever since.*
2. *S.O. to 10.07.2015 in the “Urgent Orders Category.””*

4 Today, the learned AGP places on record a communication signed by Respondent No.3 dated 09.07.2015 along with a statement annexed thereto. The said document (two pages) is taken on record and marked as Exhibit “X” for identification.

5 Respondent No.3 makes a statement through the Officer who has signed below Exhibit X that *“As per the order of the Division Bench dated 05.12.2012 in Writ Petition No.9252 of 2012 (Sevadas Shikshan Prasarak Mandal v/s State of Maharashtra) the similarly situated schools*

whose de-recognition has been stayed are running in accordance.”

6 In the light of the order dated 07.04.2015 in the petition and in the light of the statement made in Exhibit X, this Civil Application is allowed.

7 Subject to the result of this petition, the Applicant shall make an appropriate application to the Competent Authority for operating the “Balak Ashram” and if such permission is granted, the Applicant shall then conduct the said “Balak Ashram” strictly as per the conditions imposed by the Competent Authority.

8 Needless to state, the passing of this order and the statement made by the Competent Authority in Exhibit X, shall not create any equities in the Applicant to seek the continued operation of “Balak Ashram”.

9 Further needless to state, if the said “Balak Ashram” is permitted to be conducted, the same shall be subject to the result of this petition.

(RAVINDRA V. GHUGE, J.)