

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

WRIT PETITION NO. 6550 OF 2014

NANDLAL MOHANLAL MANTRI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. P.K. Lakhotiya
AGP for Respondents: Mr. M.S.Patni
Advocate for Respondents : Mr. B.A. Shinde For R/5,
Mr.M.P. Tripathi for R/7,8.

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: July 28, 2015

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PER COURT :-

1. Mr. Lakhotiya, the learned counsel for the petitioner states that petitioner has no personal interest in the matter. Petitioner is the Social Worker. The School run by the present respondents No.7 and 8 is in dilapidated condition. The building where the school is running is not in habitable condition. The basic amenities are not provided in the school. Provisions of Right to Education Act are flouted. Still, the Education Department is not taking any positive steps. Directions were given by the Education Officer to the Block Education Officer to inquire into the matter, however, no inquiry was done. Even on 25.6.2015 directions are given by the Education Officer to the Block Education Officer to constitute an inquiry Committee and submit a report. No steps are taken. According to the learned counsel, proper education is not being provided to the students in the school run by respondents No.7 and 8.

2. Learned counsel for respondents No.7 and 8 submits that, the building where the petitioner was running school was in dilapidated condition. Immediate steps have been taken by the respondents No.7 and 8 and have purchased a property on 26.6.2015 and have shifted the school in the new land from the present academic year. The building belonging to the Zilla Parishad has been handed over to the Zilla Parishad. Learned counsel submits that, even respondents No.7 and 8 have applied for transfer of land to the Municipal Council. Decision is not yet taken, however, immediately application will be made seeking commencement certificate from the Municipal Council for construction of the building. Respondents are running the school in temporary structure and have to provide all amenities and facilities as are required under Right to Education Act. Learned counsel for the Education Officer submits that, directions are given to the Block Education Officer to constitute inquiry committee and necessary steps would be taken in that regard.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. There cannot be any dispute with the proposition that the institution running school has to comply with all provisions of Right to Education Act and has to provide all basic amenities to the students. Respondents No.7 and 8 submitted that they have purchased land and handed over the building to the Zilla

Parishad. A temporary structure is erected to run the said School. It is for the Education department to supervise as to whether the institution is functioning properly with all necessary infrastructure and provisions of law are adhered. Letter is placed on record wherein the Education Officer (Primary) has given directions to the Block Education Officer to inquire into the matter. Said directions are given on 25.6.2015. We presume that authorities would perform their functions in accordance with law. The Education Department and its authorities shall supervise as to whether the proper infrastructural facilities are made available to the students in the respondents No.7 and 8 school and shall take steps to rectify the deficiencies, if any. Amount of Rs.10,000/- (Rs. Ten Thousand) deposited by the petitioner be refunded to the petitioner.

5. Writ Petition accordingly disposed of with aforesaid observations and directions. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-