

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

WRIT PETITION NO. 6477 OF 2012

Subhash Madhavrao Deshmukh .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Amol N. Kakade, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for Respondent Nos. 1 to 3.

Shri S. S. Thombre, Advocate h/f Shri S. D. Bade Patil, Advocate
for the Respondent No. 4.

Shri M. S. Tour, Advocate for the Respondent No. 5.

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

DATE : 11TH FEBRUARY, 2015.

PER COURT :

. Mr. Kakade, the learned counsel for the petitioner submits that, the petitioner had given a proposal for transfer of the two schools run by the respondent No. 5 that is Shri Gurudev Nivasi Mukbadhir Vidyalaya, Jalna and Kai. Madansinh Chavan Nivasi Matimand Vidyalaya, Jalna. The Kai Mandansing Chavan Vidyalaya, Jalna was transferred to the petitioner. However, on the recommendation which was given by the Commissioner for transferring, the Guru Ganesh school to the petitioner, the same was transferred to the respondent No. 4. The same is illegal. According to the learned counsel, there was no recommendation

as far as the respondent No. 4 is concerned. While recommending the school all the aspects were considered. The twenty one points which are required to be complied were also complied. The strength of students of the said handicap school was also considered, however, on a report recommending the transfer of the school to the petitioner, on the basis of the same report the school is transferred to the respondent No. 4. The same is illegal.

2. Mr. Thombre, the learned counsel for the respondent No. 4 submits that, the respondent No. 4 had also filed an application. The respondent No. 4 is also running handicapped school. The enquiry was made by responsible authorities. The recommendation was also given in favour of the respondent No. 4 and after following the procedure the transfer was made. The learned counsel submits that, in fact, the management of the respondent No. 5 and the petitioner is one and the same and this fact has been suppressed by the petitioner.

3. We have heard the learned Assistant Government Pleader also. The learned A. G. P. supports the order and submits that, the proposal of the petitioner and the respondent No. 4 both were considered.

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

5. Gurudev Niwasi Mukbadhir school has been transferred to

the respondent No. 4 vide order dated 12.04.2012. It is also not a matter of dispute that, the respondent No. 4 has been granted further certificate of renewal in the year 2014 and the said school is being run. We have perused original record and found that, many members of the managing committee of the petitioner and the respondent No. 5 are same. Said fact ought to have been mentioned by the petitioner. We have also perused the record which was called by this Court and which was kept in sealed envelop. On perusal of record, even report was submitted with regard to application of the present respondent No. 4 and the transfer of the school. Pursuant to the report school has been transferred. Said contention of the petitioner that, there was recommendation of transfer of the school to the petitioner, but the same is transferred to the respondent No. 4 is not correct.

5. In the light of the above, no case for interference is made out. The writ petition is disposed of. No costs.

6. The original record which is produced, is again kept in sealed envelop and returned to the learned A. G. P. for forwarding the same to the concerned office.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]