

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6107 OF 2013

BALVIKAS JANKALYAN VA SANSKRUTIK SEVABHAVI SJIKSHAN PRASARAK MANDAL
THR PRESIDENT
VERSUS
THE STATE OF MAH AND ANR

Advocate for Petitioners : Mr. V.R. Autade, Advocate h/f.
Mr. V.D. Sapkal
Mr. S.S. Tope, In-charge Government Pleader for respondents.

CORAM : MOHIT S. SHAH, C.J. &
N.W. SAMBRE, J.
DATE : 23RD MARCH, 2015.

PER COURT:

1] By this petition under Article 226 of the Constitution of India, the petitioner institution has prayed for a direction to the State of Maharashtra through School Education Department, to decide the petitioner's proposal submitted on 9th May, 2008, for establishing a Secondary School in Marathi Medium.

2] The petition is filed on 16th October, 2012. Learned in-charge Govt. Pleader states that after coming into force the Right of Children to Free and Compulsory Education Act, 2009 w.e.f. 1st April, 2010, the State Government has rejected the petitioner's proposal and by communication dated 30th June, 2010 informed the petitioner about the same.

2] Learned in-charge Government Pleader has placed on record a copy of the said communication from the office of Education Officer

(Secondary) Aurangabad Zilla Parishad to the petitioner. The same is taken on record and marked "X" for the purpose of identification. The learned counsel for the petitioner does not admit that petitioner institution has received any such letter.

3] Learned in-charge Government Pleader submits that in view of the above referred communication, nothing further is required to be done in the matter. He further submits that in case the petitioner desires to make any application under the Maharashtra Self Finance Schools Act, 2012, the same will be considered in accordance with law.

4] In view of the communication dated 30th June, 2010, it is clear that the petitioner's proposal submitted on 8th May, 2010 has already been decided long before filing of the present petition which is filed in October, 2012. On this ground alone, we do not think it necessary to entertain this petition and same is dismissed as infructuous, with an observation that, it will be open for the petitioner to make an application for permission to establish a Secondary School under the provisions of the Maharashtra Self Financed Schools Act, 2012, and if such an application is made by the petitioner, the competent authority shall decide the same in accordance with law.

[N.W. SAMBRE, J]

CHIEF JUSTICE

grt/-