

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9455 OF 2013

GRAMIN SHIKSHAN SANSTHA, SAWARGAON THOT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Patil N.p. Jamalpurkar

AGP for Respondents State: Mr.A.S.Shinde

Adv.Mr. Rodge Pratap G. For R/5

Adv.Mr.V.C.Patil For R/7

Adv.Mr.Gunale V.D. For R/6

Adv.Mr.Bondar U.B. For R/4

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

DATE : 3rd February, 2015.

P.C. :

Mr.N.P.Patil Jamalpurkar, the learned counsel for the petitioner strenuously contends that the order of transfer of the school run by petitioner in favour of respondent no.7 is absolutely illegal. The order is passed in violation of the principles of natural justice. No opportunity of hearing was given. The proposal was also not forwarded by the authority. According to the learned counsel, the order of transfer is illegal and that does not confirm to the policy governing transfer of the school. According to the learned counsel, whole record relied by the respondents regarding transfer was an eyewash.

2] We have heard learned AGP and the learned counsel for the

respondents.

3] We have gone through the impugned order, the pleading in the Writ Petition and the affidavit in reply filed. It is stated in the affidavit in reply filed by State that before the order transferring the school, notice was given to the members of the petitioner society. Even names are given of the notices being given to the members of the petitioner society and already hearing having taken place. In the present case, we are not entering into details as to who is the president of the petitioner. It appears that there was reduction of strength of the students and the institution was required to be closed down. The authority has considered the said aspect. The authority has considered about the financial capacity and after hearing the parties has taken conscious decision. Further, at the time of hearing, the Head Master of the school was also called and hearing was given to all. The record is also verified. Even teaching as well as non-teaching staff of the said school have given no objection and they are accommodated with respondent no.7.

4] Considering all the aforesaid aspects of the matter, we do not find any case for interference. Writ Petition is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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