

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**LETTERS PATENT APPEAL NO. 38 OF 2014  
IN  
WRIT PETITION NO.6685 OF 2012  
WITH  
CIVIL APPLICATION NO. 76 OF 2014**

Digamber Jagannath Bhosale  
An Adult, Indian Inhabitant,  
President of Late Naru Borkar  
Anath Ashram and Samaj Sevi  
Sanstha having its office at  
Chungi, Taluka - Akalkot,  
District - Solapur

... Appellant

V/s.

- 1) The State of Maharashtra  
Through its Chief Secretary  
Social Justice and Special  
Assistance Department,  
Mantralaya, Mumbai-400 032.
- 2) Director, VJNT & OBC,  
Social Welfare for State of  
Maharashtra, Pune.
- 3) Regional Deputy Commissioner,  
Social Welfare Department Pune  
Division, having its office at  
PMT Canteen building,  
Near Swargate.
- 4) Asstt. Commissioner,  
Social Welfare (Special District  
Social Welfare Officer), New  
Administrative Building,  
District Collector's office  
Compound, Solapur.
- 5) The Head Master,  
Persshivappa Prathmik Ashram

Shala at Chungi, Dist.- Akalkot,  
District – Solapur.

... Respondents

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Mr. M. R. Deshpande, Advocate for the Applicant.  
Mr. P. P. Kakade, AGP for Respondent - State.

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**CORAM : NARESH H. PATIL AND  
S.B. SHUKRE, JJ.**

**DATED : OCTOBER 16, 2015.**

**ORAL JUDGMENT :- (Per S.B. Shukre, J.)**

This is an Appeal preferred against the Judgment and order dated 5<sup>th</sup> September, 2012, passed in Writ Petition No.6685 of 2012, by the learned Single Judge of this Court.

2           The petitioner who claims to be a President of Late Naru Borkar Anath Ashram and Samaj Sevi Sanstha having its office at Chungi, Taluka Akalkot, District Solapur, has taken an exception to the impugned judgment and order dated 5<sup>th</sup> September, 2012, primarily on the ground that the order does not taken into consideration the fact that the irregularities pointed out in the order dated 12<sup>th</sup> March, 2012, passed by the Directorate, Social Welfare, State of Maharashtra, Pune, was capable of being rectified and removed for which purpose it was necessary to grant an opportunity to the institution of the petitioner.

3           It may be noted here that by the order passed on 12<sup>th</sup> March, 2012, the Directorate of Social Welfare, Pune had cancelled the recognition of the Ashram School of the petitioner's institution on the ground of serious lapses in managing the affairs of the Ashram School. The lapses pointed out in this order were such as absence of resident and non-resident students, lack of facilities of toilets and bathrooms in accordance with the standards, failure to maintain cleanliness and hygiene, failure to distribute the school uniforms as per norms, kitchen being not maintained properly, lack of adequate and clean drinking water and lack of coordination between institution and the employees and so on. This order was appealed against by the petitioner before the learned Minister, Social Justice Maharashtra Government. However, the learned Minister rejected the Appeal by his order passed on 3<sup>rd</sup> July, 2012. Thereafter, the petitioner challenged the order of the learned Minister by filing a writ petition being Writ Petition No.6685 of 2012. The learned Single Judge after hearing both the sides and considering the record of the case, by his order passed on 5<sup>th</sup> September, 2012, found that the provisions pointed out by the Directorate of Social Welfare, Pune being not made by the institution of the petitioner, no case was made out for interfering

with the impugned order in exercise of the writ jurisdiction and accordingly dismissed the petition.

4           We have heard Mr. Deshpande, the learned counsel for the petitioner and Shri Kakade, the learned AGP for the State of Maharashtra. With their assistance, we have carefully gone through the case papers of this Appeal including the impugned order.

5           Although, it has been contended by the learned counsel for the petitioner that this is a fit case for being remanded to the learned Minister for consideration of the case of the petitioner afresh, with the learned Judge having not considered as to whether or not any opportunity deserved to be granted to the petitioner for making rectifications, we find no merit in the submissions. The order passed by the Directorate of Social Welfare, Pune, indicates that sufficient opportunity to make necessary corrections in the state of affairs of the Ashram School was afforded to the petitioner, but, unfortunately, the opportunity was spurned away. Not only that, there were no students attending the school since 8<sup>th</sup> November, 2011, and no satisfactory explanation for the same was given by the petitioner.

The learned Single Judge found that the institution was inspected not once but twice and it was seen on both the occasions that there were no basic amenities such as bath rooms, toilets and the entire premises were unhygienic and not conducive for running a residential school. It was also considered by the learned Single Judge that there was lack of coordination between the institution and the teaching and non-teaching staff. In these circumstances, the learned Single Judge observed that it was not proper for the Court to substitute its views with these of the authorities who had acted on independent verification and inspection. The petitioner has not shown that the reasons so given by the learned Single Judge are not based upon the material available on record or the impugned order is perverse or arbitrary. In our opinion, this is not a fit case for making any interference with the impugned order.

6                   The Appeal stands dismissed. No order as to costs.

7                   In view of the order passed above, Civil Application No. 76 of 2014, does not survive and stands disposed of accordingly.

(S. B. SHUKRE, J.)

(NARESH H. PATIL, J.)