

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION
WRIT PETITION NO. 3968 OF 2014**

Shah Alam Nabi Urdu Primary School,
Tale Hipparge, Tal. North Solapur
Vs.

....Petitioner.

Principal Secretary,
School Education & Sports Division & Ors.

....Respondents.

Mr. Ashok B. Tajane for the Petitioner.

Mr. Siddharth Gadwe i/by Mr. Vijay Killedar for Respondent No.2.

Ms. S.S. Bhende, AGP for Respondent Nos. 1 and 3.

**CORAM : ANOOP V. MOHTA AND
V.L.ACHLIYA, JJ.**

DATE : 10 JUNE 2015.

P.C.:-

We are inclined to dispose of the present Writ Petition by keeping all points open, including the contentions so raised by the parties, as the Petitioner's proposal dated 14 December 2009 is not yet decided finally, which according to the Petitioner should have been decided within 90 days. The statement is also made that the school is running since 2009. What is the basis for that and how they can do this, it is ultimately the Government-Respondent to take decision and pass appropriate order. To Keep the Petition pending in this Court, will be of no use. The concerned Department of the Government has to take decision, if not already taken.

2 The Petitioner has placed on record notice dated 5 March 2015 issued by the Education Officer, where the explanation is sought for the alleged running of unauthorized school and also expressed why the approval already granted should not be cancelled. Therefore, at this stage, to avoid further complications and by keeping all points open, we are inclined to direct not to take any coercive steps based upon notice dated 5 March 2015 till the decision of the representation made by the Petitioner. However, it is made clear that once the decision is taken against the Petitioner, the concerned Respondents are free to take action in accordance with law. The concerned Respondents to take decision, as early as possible, preferably within 3 months. Liberty is granted to the Petitioner to file additional representation, if any, within two weeks from today. The same be considered by the Authority, in accordance with law.

3 Writ Petition is accordingly disposed of, with liberty. There shall be no order as to costs.

(VL. ACHLIYA, J.)

(ANOOP V. MOHTA, J.)