

Sequeira

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

WRIT PETITION NO. 4455 OF 2014.

Shreyash Education and
Research Institute and ors.

.. Petitioners

Vs.

State of Maharashtra & ors.

.. Respondents

Mr.S.S.Pakale i/b Mr.A.R.Belge, for the petitioners.

Mr.Vikas Mali, Assistant Government Pleader, for the respondent
Nos.1 to 4.

***CORAM: Mrs. Vasanti A. Naik &
Mrs.Mridula Bhatkar JJ.
Tuesday 10 March, 2015.***

PC.:

By this petition the petitioners impugn Clause 1 of the Government Resolution dated 25 November 2013 allotting ten marks to the institutions having their own school building, eight marks to the institutions having a building on lease for a period of 30 years and one mark to the institutions which is in a position to secure a school building within a period of three months from the date of making of the application, for permission to start a new school.

It is the case of the petitioners that by the previous resolution of the State Government dated 5th December 2012, ten marks were allotted to the local institutions having a school building of their own and eight marks to the local institutions having a building on lease for a period of 30 years and since that Clause was held to be

valid by the Judgment dated 23rd July 2013 in a bunch of Writ petitions bearing Writ petition No.1566 of 2013, the State Government could not have, by the impugned resolution, dated 25th November 2013 substituted the words 'local institution' while allotting ten marks to any institution having a school building of its own. It is stated that since the earlier Clause was upheld by this Court by the judgment dated 23rd March 2013, the State Government could not have made any change in the said Clause.

We do not find any merit in the only submission made on behalf of the petitioner for challenging Clause 1 of the Government Resolution dated 25th November 2013. Merely because the words 'local institution' are deleted from Clause 1, the said clause cannot be said to be bad in law. The State Government has in its wisdom rightly framed the policy of granting ten marks to the institution having a building of its own and eight marks to an institution having a building on lease for a period of 30 years. Merely because the word 'local' is removed from Clause 1 of the Government Resolution dated 5th December 2012, while framing the policy by the Government Resolution dated 25th November 2013, the Clause cannot be susceptible to challenge.

Since we do not find any merit in the only submission made on behalf of the petitioners, the Writ petition is dismissed with no order as to costs.

(Mridula Bhatkar J.)

(Vasanti A.Naik J.)