IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10433 OF 2014
WITH
WRIT PETITION NO.10432 OF 2014

Bharatiya Shikshan Sanstha
through its Secretary ... Petitioner

Vs.

State of Maharashtra & Ors. ... Respondents

Mr.S.S. Pakale i/b Avinash Belge for the Petitioner
Mr.C.P. Yadav, Assistant Government Pleader, for Respondent Nos.1 to 5
Ms.S.M. Nanal, Under Secretary, SE & S Department, Mantralaya-present

CORAM: **SMT. VASANTI A. NAIK &**
SHRI C.V. BHADANG, JJ.

DATE: **24th FEBRUARY, 2015**

P.C.:

By these petitions, the petitioner challenges the order dated 31.7.2013 refusing permission to the petitioner to revive the school and transfer the same from village Kasegaon to village Karajfen.

The school of the petitioner was closed in the year 2009 and it is the case of the petitioner that the petitioner was required to close the school in view of the dearth of the students. It is the case of the petitioner that in view of the Government Resolution dated 9.6.2010, the State Government had decided to permit the revival of the schools that were required to be

closed in the absence of the required strength of the students and transfer the same to some other place. It is stated that in view of clause 5 of the Government Resolution dated 15.2.2009, the respondents ought to have permitted the revival of the school and the transfer of the same from Kasegaon to Karajfen.

Mr.Yadav, the learned Assistant Government Pleader, on instructions from Mrs.Swati M. Nanal, the Under Secretary, SE and S. Department, who is present in the Court today, states that the petitioner cannot seek the benefit of the policy for revival of the schools in the Government Resolution dated 9.6.2010 as clause (5) of the said Resolution, on which the petitioner has placed great reliance, has been deleted from the Government Resolution dated 9.6.2010 by the Government Resolution dated 28.9.2012. It is stated that since the school of the petitioner was closed in 2009, permission could not be granted to the petitioner for revival of the school and transfer of the same.

On hearing of the learned Counsel for the parties and on perusal of the Government Resolution dated 9.6.2010 and the corrigendum dated 28.9.2012, it appears that the petitioner cannot seek the revival of the school and transfer of the same from Kasegaon to Karajfen. The State Government in its wisdom has, by the corrigendum dated 28.9.2012,

deleted clause (5) from the Government Resolution dated 9.6.2010, which is relied on by the petitioner for seeking the relief. Merely because some other institution was alleged to have been permitted to revive the school and transfer the same, the relief sought in the instant petition cannot be granted in favour of the petitioner when the petitioner does not have a right to seek the revival and transfer of the school.

In this background, the writ petitions are disposed of with no order as to costs.

(C.V. BHADANG, J.) **(VASANTI A. NAIK, J.)**