

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2580/2015

(DANISH EDUCATION SOCIETY, MANGRULPIR **VERSUS** THE STATE OF MAHARASHTRA & ORS)

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

Shri S.S. Dhengale, counsel for the petitioner.
 Ms N.P. Mehta, A.G.P. for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : AUGUST 21, 2015.

By this petition, the petitioner seeks a direction to the respondent nos.1 to 4 to grant the proposal of the petitioner dated 12.05.2008 for permission to open a new Primary Urdu Medium School at Mangrulpir.

It is the case of the petitioner that though the petitioner had sent a proposal to the State Government on 12.05.2008 for permission to open a new Primary Urdu Medium School at Mangrulpir, the proposal has not been decided till date. It is stated that a representation was made to the Deputy Director of Education, Amravati on 29.12.2014 asking the authority to consider the proposal of the petitioner dated 12.05.2008 and grant permission to open the Primary Urdu Medium School at Mangrulpir. It is stated that the proposal dated 12.05.2008 has not been decided and, hence, the aforesaid relief is sought.

Ms Mehta, the learned Assistant Government Pleader appearing on behalf of the respondents, submits that the writ petition suffers from laches. It is submitted that the petitioner has approached this Court with a stale claim. It is submitted that if a proposal of the petitioner was not decided within a reasonable time after 12.05.2008, the petitioner ought to have approached this Court within reasonable time. It is stated that the petitioner has approached this Court after nearly seven years to seek a decision on the proposal, dated 12.05.2008.

We uphold the preliminary objection raised on behalf of the respondents and decline to entertain the writ petition. If the proposal of the petitioner was not decided immediately after it was tendered on 12.05.2008, the petitioner ought to have approached this Court within a reasonable time. The petitioner has approached this Court after more than seven years for seeking a decision on the proposal dated 12.05.2008. Making of a representation in the year 2014 for a decision on the proposal would not enlarge the time. It is held by the Hon'ble Supreme Court that making of representations would be inconsequential while making out "sufficient cause". It would be worthwhile to refer to the judgments reported in **1995 Supp. (4) SCC 593** (*Administrator of Union Territory of Daman and Diu and others Versus R.D. Valand*) and **(2006) 4 SCC 322** (*Karnataka Power Corporation Limited, through its Chairman & Managing Director & Another Versus K. Thangappan & Another*), in this regard.

In view of the aforesaid, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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