

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.

WRIT PETITION NO.2225 OF 2014

**Balapur Minority Education and Social Welfare Society, Balapur,
District Akola, thr its Secretary**

..vs..

**The State of Maharashtra, thr the Principal Secretary, Department of
School Education, Mantralaya, Mumbai and anr**

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

Court's or Judge's order

**Shri A.I. Sheikh, counsel for the Petitioner.
Shri T.R. Kankale, AGP for Respondent No.1.
Shri M.V. Bute, counsel for R-2.**

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : JANUARY 8, 2015.**

1. Heard.

2. Learned Assistant Government Pleader is seeking further time as his instructions are still awaited.

3. Shri A.I. Sheikh, learned counsel appearing for the petitioner, is strongly opposing any adjournment. He submits that last chance was already granted and impugned

.....2/-

communication dated 29.11.2012, which is common as it relates to three different schools sought by very same Management, has been set aside in Writ Petition Nos.6308 of 2014 and 4976 of 2013. He also adds that in the light of the subsequent judgment of the Constitution Bench of the Honourable Apex Court in the case of *Pramati Educational and Cultural Trust and ors ..vs.. Union of India and ors*, reported at *2014(7) Scale 306*, the provisions of Right of Children to Free and Compulsory Education Act, 2009, are not applicable to the minority educational institution.

4. In the light of these developments, it is not necessary for the respondents to file any fresh reply. The learned Assistant Government Pleader is not in a position to dispute orders dated 28.11.2014 or 30.4.2014 passed by this Court.

5. As impugned communication is already set aside, we direct respondents to consider the application moved by the present petitioner for grant of Urdu Primary School, at village Shelad, Taluka Balapur, District Akola, within a period of three months from today. The above mentioned judgment of the Honourable Apex Court can also be looked into at that time.

6. With this direction, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE

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