

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

WRIT PETITION NO. 2395/2014

(Sharad Gramin Vikas Bahuuddeshiya Shikshan Sanstha, Deoli vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. Sheikh, h/for Mr. F.T.Mirza, Advocate for petitioner
Mr. Bharati Dangre, .Government Pleader for Respondents

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.

DATED : 5th May, 2015.

Heard.

By this petition, the petitioner seeks a declaration that the Government Resolution, dated 31.7.2013, is not applicable to the minority institutions like the institution of the petitioner. The petitioner seeks a direction to the respondents to permit the petitioner to shift the Junior College from Wardha to Nandgaon (Khandeshwar) District :Amravati.

To substantiate the submission that the impugned Government Resolution, dated 31.7.2013, and the provisions of the Right to Education Act, would not be applicable to the minority institution of the petitioner, the learned counsel for the petitioner has relied on the judgment of the Hon'ble Supreme Court, reported in 2014(7) Scale 306 : Pramati Education and Cultural Trust and others vs. Union of India and others. It is stated that since the Deputy Directors of Education, Nagpur and Amravati have recommended the case of the petitioner for shifting of the Junior

College from Wardha to Nandgaon (Khandeshwar), it would be necessary for the State Government to pass appropriate order on the recommendations immediately.

Mrs. Bharati Dangre, the learned Government Pleader appearing on behalf of the State Government, fairly states that in view of the judgment of the Hon'ble Supreme Court reported in 2014(7) Scale 306 (supra), it is clear that the provisions of Right to Education Act, will not apply to the minority institutions and, therefore, the Government Resolution, dated 31.7.2013, would also not be applicable to the minority institution of the petitioner. It is stated that in view of the recommendations of the Deputy Directors of Education, Nagpur and Amravati, the State Government would take a decision on the application made by the petitioner for transfer of the Junior College from Wardha to Nandgaon (Khandeshwar), within a short time.

In view of the statement recorded herein-above, we dispose of the Writ Petition with a direction to the State Government to take a decision on the application made by the petitioner for transfer of the Junior College from Wardha to Nandgaon (Khandeshwar) as early as possible and positively within a period of six weeks.

Order accordingly. No costs.

Steno copy is granted on request of the learned Government Pleader.

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