

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

MCA NO. 123/2015 IN WRIT PETITION NO. 2595 OF 2014

(Jaibhavani Shikshan Prasarak Mandal thr. its Secretary & Anr. vs. State of Maharashtra thr. Secretary, School Education & Sports Department & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
JANUARY 30, 2015.**

Shri Patil, learned counsel for the applicants
– petitioners and Mrs. Hiwase, learned AGP for the
respondents.

Shri Patil, learned counsel agrees to argue
the petition finally. Hence, the order dated 15.01.2015
is recalled and writ petition is restored to file.
Application is disposed of.

WRIT PETITION NO. 2595 OF 2014

Shri Patil, learned counsel submits that after
coming into force of Right of Children to Free and
Compulsory Education Act, 2009, the Deputy Director of
Education could not have recommended any action and
the order which has been maintained by the Director of
Education in communication sent to the petitioners on
26.05.2014 i.e. first order of Director of Education i.e.

24.05.2013 is itself without jurisdiction. He points out that the law contemplates proper inquiry and that inquiry or procedure has not been followed in the present matter.

Mrs. Hiwase, learned AGP for the respondents is relying upon the reply affidavit placed on record on 07.07.2014.

The Director of Education has placed his report for consideration of State Government. The State Government is bound to proceed further in accordance with law. At least at present there is nothing before this Court to presume that the State Government shall not extend necessary opportunity to the petitioner or shall act in breach of the legal provisions. We, therefore, find the challenge premature.

With liberty to the petitioner to approach again, if any cause of action hereafter arises, we dispose of the present writ petition. However, there shall be no order as to costs.

JUDGE

JUDGE

*C.S.