

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

WRIT PETITION NO. 3478 OF 2015.

School Managing Committee, Z.P. Prathamik Urdu School .vs. The State of
Maharashtra & others

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

Mr. S.D. Chande, Advocate for petitioner,
Smt. P.D. Rane, A.G.P. for respondent nos. 1, 2 & 5.

CORAM : B.R. GAVAI & INDIRA K. JAIN, JJ.

DATED : JUNE 25, 2015.

The petition challenges the order dated 20.4.2015, whereby the Deputy Director of Education has decided to direct the Zilla Parishad school to stop 5th to 7th standard from the academic year 2015-16 and absorb the teachers in other Zilla Parishad schools. The said order has been passed in pursuance of the orders passed by the Division Bench of this Court dated 5.1.2015 in Writ Petition No. 1808/14. Before passing the order, the Deputy Director has also given the hearing to the Education Officer, under the control of which the present school functions. The Deputy Director has given elaborate reasons as to why he has come to the conclusion that on account of opening of 5th to 7th classes by the petitioner, there is unhealthy competition and the number of students in the respondent no.4 school would come down.

It is contended by the learned Counsel for the petitioner that the transfer of the respondent no.4 at present location is itself illegal. On a query as to when the said transfer

was made in the present location, the learned Counsel fairly states that it is done in 2010. A ground which was very much available to the petitioner five years back cannot be pressed into service at such belated stage.

No error is found in the present order. The petition is rejected.

Judge

Judge

J.