

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

WRIT PETITION NO. 5232 OF 2014.

Nagar Parishad Tiroda, Distt.Gondia

..VS..

State of Mah., Deptt. Of Education and ors.

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

Court's or Judge's orders

Mr.S.S.Ghate Adv. with Mr.D.P.Bhongade, Adv. for the
petitioner.
Ms.Kalyani Deshpande, AGP for respondent 1 and 2.
Mr.A.Y.Kapgate, Adv. for respondent no.3.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATED : AUGUST 31, 2015.

Petitioner Nagar Parishad is before this Court pointing out that primary education is its statutory obligation and therefore schools run by Zilla Parishad in its area should be handed over to it as per policy decision of the State Government dated 23rd of March, 2007, gazetted on 5th April, 2007.

Advocate Shri Kapgate invited our attention to said resolution to urge that it contemplates certain steps. He also submits that Zilla Parishad administration will face several difficulties if such school is required to be transferred to Zilla Parishad all of a sudden. Today he received instructions that Zilla Parishad has decided to challenge this Government Resolution before competent Court. He contends that three departments – Urban Development Department, Rural Development Department and Education Department are involved in the process and if the complications are to be resolved to the satisfaction of all concerned, these three departments of State Government must coordinate.

He also states that subject to the right of Zilla Parishad to

challenge the policy decision mentioned supra, Zilla Parishad has no objection if matter is directed to be considered by these three departments of State Government. Learned counsel for the petitioner also has no objection if the issue is resolved by State Government.

Learned AGP submits that the State Government has already taken a decision.

In this situation, without observing anything more and as we find that insofar as administration of Zilla Parishad is concerned, it may face some problems if school is directed to be transferred all of a sudden, we direct the petitioner as also respondent no.3 to appear before respondent no.1 on 30th of September, 2015 and to abide by his further instructions in the matter.

The department of Education shall then after considering difficulties pointed out by parties and in consultation with other department, attempt to implement the resolution dated 23rd of March, 2007, gazetted on 5th of April., 2007 by end of April, 2016.

With these directions, we dispose of the Writ Petition.

No costs.

JUDGE

JUDGE

Chute.