

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
MISC. CIVIL APPLICATION NO.1038 /2015
IN
WRIT PETITION NO. 2549/1997(D)

(Snehdeep Shikshan Sanstha vs. The Joint Director of Education (School Education) and others)

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

Court's or Judge's order

Ms. R.D.Raskar, Advocate for the applicant
 Miss Tajwur Khan, Asst.Govt.Pleader for respondents 1 to 3

**CORAM : SMT. VASANTI A. NAIK &
 A.I.S. CHEEMA, JJ.**

DATED : 6th October, 2015.

Heard.

By this Miscellaneous Civil Application, the applicant-*Sanstha* has sought the recall of the judgment and order dated 20.8.2015, by which the Writ Petition was dismissed.

The applicant-*Sanstha* had filed the Writ Petition challenging the order of the Deputy Director of Education, withdrawing the recognition of the School and Junior college run by the applicant-*Sanstha*. The said Writ Petition was dismissed by the judgment and order dated 20.8.2015.

It is stated on behalf of the applicant-

Sanstha that since the petitioner had not contacted the counsel for the applicant when the matter was worked out on 20.8.2015, the counsel for the applicant was not in a position to inform this Court that permission was granted to the applicant-*Sanstha* to run the School and Junior College, by the order dated 6.11.2008. It is submitted by the counsel for the applicant-*Sanstha* that during the pendency of the Writ Petition, the applicant-*Sanstha* was granted permission by the State Government to run the School and Junior College by the order dated 6.11.2008. It is stated that the applicant-*Sanstha* is running the School and Junior College for more than seven years without any complaint. It is stated that the judgment and order dated 20.8.2015 would come in the way of the applicant-*Sanstha* in running the School and Junior College as per the fresh permission granted to the applicant *Sanstha* to run the same by the order dated 6.11.2008. It is stated that the judgment and order dated 20.8.2014 is liable to be recalled in the circumstances of the case or this Court may, at least, hold that the judgment and order dated 20.8.2015, would not come in the way of the applicant in running the School and Junior College, in pursuance of the fresh permission granted by the order dated 6.11.2008.

The request made on behalf of the applicant is just and reasonable. Though we had dismissed

the Writ Petition on merits, we had also observed that an opportunity could not be granted to the applicant-*Sanstha* to cure the deficiencies as the School and Junior College was not functioning for nearly 20-years. The observation made by this Court in that regard, is not factually correct as is demonstrated by the counsel for the applicant, by the orders annexed to the Misc. Civil Application. It appears that the applicant has cured the deficiencies and is running the School and Junior College successfully since 6.11.2008. Hence, in the circumstances of the case, though we may not recall the judgment and order dated 20.8.2015, we hereby make it clear that the judgment and order dated 20.8.2015 would not come in the way of the applicant-*Sanstha* in running the School and Junior College in pursuance of the permission granted on 6.11.2008. It is needless to mention that the respondents should not take any steps whatsoever against the applicant-*Sanstha* for the closure of the School and Junior College on the basis of the judgment and order dated 20.8.2015.

The Misc. Civil Application is allowed in the aforesaid terms and disposed of.

JUDGE

JUDGE