

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

WRIT PETITION NO.5884 OF 2015

[Ahebab Education Society and one .vs. 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 orders

Shri M.R. Joharapurkar, counsel for the petitioners.

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

DATED : OCTOBER 21, 2015.

By this petition, the petitioners impugn the communication issued by the Deputy Director of Education, Amravati Region, Amravati to the Education Officer (Secondary), Zilla Parishad, Yavatmal, dated 16.6.2015, asking the Education Officer to take appropriate action in the matter of cancellation of the recognition run by the petitioner-society and submit the proposal to the State Government.

Shri Joharapurkar, the learned counsel for the petitioners, states that the petitioners apprehend that the action of de-recognition would be taken by the respondents without granting an opportunity to the petitioners. It is stated that the petitioners apprehend that without issuing a show cause notice and without considering the representation of the petitioners i.e. pending since 18.9.2015, the recognition of the school of the petitioners would be cancelled.

On hearing the learned counsel for the parties, we find that the petition is premature. No action has been taken against the petitioners for the de-recognition of the school as yet. The Deputy Director of Education has only asked the Education Officer to send the proposal to the State Government in the matter of cancellation of the recognition to the school run by the petitioner no.1-society. The apprehension of the petitioners that the order of de-recognition could

be passed without granting an opportunity to the petitioners is ill-founded. If the school of the petitioners is de-recognized, without granting an opportunity to the petitioners, a cause of action would accrue to the petitioners to challenge the order of de-recognition. At this stage, when the proposal for cancellation of the de-recognition is not yet sent by the Education Officer to the State Government and no action for de-recognition has been taken, no cause of action would arise for filing the writ petition. It is also possible that after the petitioners submit a reply to the notice for cancellation of recognition, the respondents may accept the case of the petitioners and not decide to de-recognise the school.

In the circumstances of the case, we dismiss the writ petition, as being premature. No order as to costs. The points raised in this petition are kept open.

JUDGE

JUDGE

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