

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

WRIT PETITION NO.6283/2014

Shishu Vikas Education Society, Nagpur through its Secretary and another
...Versus...

The State of Maharashtra, through its Department of Education, Secondary and
Higher Secondary, Mantralaya, Mumbai through its Secretary 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 A.S. Kilor, Advocate for petitioners
Shri N.S. Khubalkar, AGP for respondent nos.1 to 4

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATE : 20.03.2015

By this petition, the petitioners impugn the order of the Director of Education dated 16.9.2014, de-recognizing the School run by the petitioner – Society.

Inter alia, it is submitted on behalf of the petitioners by taking this Court through the judgment dated 21.7.2014 in Writ Petition No.6158/2013 that none of the directions issued by this Court in the last three paragraphs of the judgment have been followed by the Director of Education while passing the impugned order. It is submitted that the report of the Deputy Education Officer dated 2.1.2013 was not considered by the Director of Education and the fresh report of the Education Officer, that was considered by the Director of Education in the impugned order was not supplied to the petitioners. It is

submitted that it was necessary for the Director of Education to have granted an opportunity to the petitioners after a fresh report was prepared by the Education Officer in pursuance of the directions of the Director of Education. It is stated that a fresh report of the Education Officer could not have been considered by the Director of Education for de-recognizing the School run by the petitioner – Society without supplying a copy of the report of the Education Officer to the petitioners.

On hearing the learned Counsel for the parties, we find that the impugned order of the Director of Education cannot be sustained for more reasons than one. None of the directions issued by this Court in the judgment dated 21.7.2014 were followed by the Director of Education and the documents tendered by the petitioner, including the report of the Deputy Education Officer dated 2.1.2013 were not looked into. The Director of Education may be justified in directing the Education Officer to conduct a fresh enquiry but if a fresh enquiry was conducted, it was necessary for the Director of Education to at least supply a copy of the report of the Education Officer to the petitioners, if the Director of Education has cancelled the recognition of the School, run by the petitioner – Society mainly on the basis of the report of the Education Officer. We find that the order of the Director of Education is very cryptic and does not record cogent reasons before cancelling the recognition of the School, run by the petitioner – Society.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The impugned order is quashed and set aside. The matter is remitted to the Director of Education to decide the

matter afresh in accordance with law after supplying a copy of the report of the Education Officer to the petitioners. The Director of Education may take an appropriate decision after hearing the petitioners and the intervenor in Civil Application W. No.3801/2014, if necessary.

Order accordingly with no order as to costs.

JUDGE

JUDGE

Wadkar