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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.461/2011

Balvikas Mahila Mandal,
through its Secretary
Sau.Jayashri Manohar Badame.
...Petitioner..

Versus

The State of Maharashtra & others.
...Respondents...

.....
Shri B.B. Dahiphale, Advocate h/f Shri N.P. Patil
Jamalpurkar, Advocate for petitioner.
Shri S.P. Sonpawale, AGP for respondent nos.1 to 3.
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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 20.08.2016

ORDER :

1] We have heard the learned counsel for the petitioner. The learned counsel for the petitioner states that the petitioner is running Balak Ashram since the year 2003. The petitioner has a permission to give admissions to 100 additional students in the year 2006. There are total 200 students in the Balak Ashram of the petitioner. The learned counsel submits that show cause

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notice was issued to the petitioner on the ground that deficiencies are not removed. The petitioner replied to the same pointing out that all the deficiencies, as were pointed out in the show cause notice, have been removed. Thereafter, no action was taken. However, abruptly in January, 2011, the order is issued thereby canceling the recognition of the petitioner – institution. The learned counsel submits that the record would indicate that each and every deficiency has been complied with. The petitioner is running the institution / society without any deficiency for more than seven years regularly. Pursuant to the interim orders passed by this Court, the petitioner is running the said institution properly.

2] The learned AGP states that considering the large scale deficiencies reported in the report of the District Women and Child Development Officer, Osmanabad, dated 22.9.2010 and after giving opportunity to the petitioner, the impugned order is passed in the interest of the students. No illegality has been committed while passing the said order.

3] This Court vide order dated 21.1.2011 had directed the parties to maintain the status quo and it is stated

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that pursuant thereto, the institution continues to run the Balak Ashram.

4] This Court under order dated 23.6.2014 had directed the respondent i.e. the Commissioner, Women and Child Development Department, Maharashtra State, Mantralaya, to cause the inspection of the Balak Ashram run by the petitioner – institution and to submit report to the Court.

5] The learned AGP has placed on record the inspection report received pursuant to the orders of this Court. The members of the said inspection committee were the District Women and Child Development Officer, Osmanabad; President, Child Welfare Committee and District Child Protection Officer, Osmanabad. They have submitted the report wherein the deficiencies are not pointed out. The said report in a way favours the petitioner.

6] Considering the subsequent inspection report submitted pursuant to the orders of this Court and that the deficiencies, as alleged earlier, are not found, the impugned order cannot be sustained. The impugned order as such is quashed and set aside.

7] Present order would not be an impediment for the

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authorities to take further action in case they find any deficiencies in the functioning of the petitioner – institution.

8] Writ petition is disposed of accordingly. No costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)