

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1582 OF 2005

Shri Bankatswami Shikshan Sanstha
Khadkighat, Tq. & Dist. Beed,
through its Secretary,
Raosaheb S/o Haribhau Bhore .. Petitioner

Versus

The Zilla Parishad, through its
Chief Executive Officer, Beed and others .. Respondents

Shri Amol Chalak, Advocate h/f Shri S. B. Talekar, Advocate for
the Petitioner.

Shri S. Y. Mahajan, A.G.P. for the Respondent/State.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 26TH AUGUST, 2016.

PER COURT :

. We have heard the learned counsel for the petitioner instructed by Mr. Talekar, the learned advocate. The learned advocate for the petitioner states that, the petitioner is an educational institution running several schools and colleges in Beed, Osmanabad and Latur districts. The petitioner society is running a high school at Pargaon-Ghumra, Tq. Patoda since 1970. The high school run by the petitioner has classes from Vth to Xth standards. The Education Department of Zilla Parishad, Beed had prepared master plan for primary schools as well as High Schools. The village Pargaon Ghumra is not mentioned in

the master plan or in the notification issued by the Education Officer Secondary. The Sarpanch of the village had submitted proposal through the Village Development Officer for opening classes of Vth to VIIth standards in the Zilla Parishad school. The same is illegal, without following proper procedure and without there being approval of Chief Executive Officer of Zilla Parishad. The petitioner is already running Vth to Xth standards in the same village. Because of the said illegal act of the respondents of opening Vth to VIIth standards in the Zilla Parishad School, the petitioner is not getting sufficient students. The said act of respondents being illegal, the permission given to open classes of Vth to VIIth standards in the Zilla Parishad primary School, Pargaon Ghumra be set aside.

2. The said classes of Vth to VIIth standards had started in the Zilla Parishad school almost 12 to 13 years back. It would not be proper now to upset the said position. The interest of the teachers and the students would be at stake. Considering the fact that said classes are running for 12 to 13 years, we are not entertaining the grievance of the petitioner. The writ petition is disposed of. No costs. Rule discharged.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]