

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.3356 OF 2009

**Twaritapuri Education Society, through its Secretary, Shri
Asaram S/o Gunaji Mane Vs. The State of Maharashtra and
others.**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.J.N.Singh, advocate for the Petitioner.
Mr.S.B.Pulkundwar, A.G.P. for the State.

**CORAM : S.V.GANGAPURWALA AND
K.K.SONAWANE, JJ.
Date : 24.06.2016.**

PER COURT :

1. Heard.
2. Mr.Singh, learned counsel for the petitioner submits that in view of the policy of the Government of opening new Ashram Schools for the children of denotified and Nomadic Tribes, the petitioner applied in the requisite form with prescribed fees for opening new Ashram School. The proposal of the petitioner was not considered. As such, the petitioner was required to file Writ Petition No.11/2009. In the said Writ Petition, this Court directed the Respondents to consider the proposal of the petitioner for opening new Ashram School. The Respondents rejected the said

proposal vide order dated 2.3.2009 on the sole ground that the Government has taken a decision not to grant permission for opening new Ashram School. The learned counsel submits that the Government decisions dated 31.8.2005 and 31.5.2006, would not come in the way of the petitioner as the proposal of the petitioner for start of new Ashram School was prior to the said Government policy. The Respondents had granted permission to another institution to open a new Ashram School. The petitioner is being discriminated. The Respondents be directed to grant permission to the petitioner to open new Ashram School.

3. Mr.Pulkundwar, learned A.G.P. submits that in view of the policy decision of the State, not to grant permission to open new Ashram School, the proposal of the petitioner could not be considered and the said policy decision has been upheld by this Court in W.P.No.8597/2007. No illegality is committed.

4. We have considered the submissions. The policy decision of the State, not to grant permission to open new Ashram School is already upheld by this Court in W.P.No.8597/2007. In view of the said policy of the State, it would be inappropriate to direct the State to consider the proposal of the petitioner.

5. In case the Government comes out with new policy with regard to opening of new Ashram Schools then the petitioner is at liberty to file fresh application.

6. The Writ Petition is accordingly disposed of. Rule discharged. No costs.

(K . K . SONAWANE , J .)

(S . V . GANGAPURWALA , J .)

Dt.24.06.2016.
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