

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4699 OF 2015

Voluntary Prathamik Mahila
Mandal School, Gandhinagar,
Shahada, Dist. Nandurbar
Through its Secretary
Rajesh Ramesh Kulkarni

..Petitioner

versus

The State of Maharashtra
through Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai and ors.

..Respondents

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Mr.Amit Savale, advocate for petitioner

Mr.V.S.Badakh, AGP for respondent nos.1 to 4

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 31, 2016

PER COURT :

Heard learned counsel appearing for the
petitioner and learned AGP for the respondents –
State.

2] We have perused the pleadings in the petition, grounds taken therein, annexures thereto and the reply filed on behalf of the respondents - State.

3] By way of filing this petition, the petitioner has prayed for direction to the respondents to grant permission to the petitioner - school to run 9th and 10th standard classes from the academic year commencing from year 2015-2016.

4] In the affidavit-in-reply filed on behalf of the respondents, it is stated that the place where the petitioner - school wants permission to run 9th and 10th standard classes from the academic year 2015-16, is not included in the master plan prepared by the State Government. In case the petitioner wants permission for said classes, the petitioner can file a proposal taking recourse to the provisions of the Maharashtra Self-Financed Schools (Establishment and Regulation) Act, 2012.

5] Learned counsel appearing for the petitioner submits that the State Government may be directed to consider the proposal of the petitioner – school to grant permission to open/run 9th and 10th standard classes from the academic year 2015-2016 on non-grant basis and as and when, as per the Government policy, the petitioner will be entitled to receive grants, the State Government may disburse the grants.

6] In this regard, as already observed, the State Government has prepared a master plan keeping in view the various factors including the financial implications. Therefore, we are unable to persuade ourselves to give any mandatory directions to the respondents to grant permission in favour of the petitioner – school to run 9th and 10th standard classes from the academic year 2015-2016 either on grant basis or on non-grant basis.

7] In that view of the matter, we do not find merit in this petition. The Writ Petition stands rejected.

8] However, we make it clear that in this petition, we have considered the prayer of the petitioner restricted to the pending proposal for the academic year 2015-2016 and we have not expressed any opinion beyond the said proposal and academic years.

9] In case there is any change in the policy of the State Government, rejection of this petition should not be construed as an impediment to the petitioner to apply for further academic years for opening/running 9th and 10th standard classes.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]