

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

...

WRIT PETITION NO. 4864 OF 2015

CHANDRAKANT VENKATRAO PATIL

VERSUS

STATE OF MAHARASHTRA AND OTHERS

...

Chandrakant Venkatrao Patil - Party-in-person
AGP for Respondent/State : Mr. A.G. Magre
Advocate for Respondent no.4 : Mr. S.G. Rudrawar

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CORAM : S.S. SHINDE & P.R. BORA, JJ.**Dated: January 05, 2016**

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PER COURT :-

This Petition is filed with the following prayer :-

"B. By issuing writ of mandamus or any other appropriate writ, order or directions in the like nature to direct the respondent No.2 and 3 to decide representations made by petitioner for initiation of enquiry/action for appointment of Administrator on Pratibha Niketan High School Hanmantwadi Latur or transfer the School to any other institution at Latur and/or derecognize the School on the ground of several illegalities, irregularities, mismanagement and disobedience of the orders of Education Department by the respondent No.4 institution under the provisions of

Educational Institutions Transfer of
Management Act, 1971."

2. Heard the petitioner, who is party-in-person, the learned A.G.P. appearing for the Respondent - State and the learned counsel appearing for Respondent no.4.

3. It appears that, the petitioner addressed the representation to the various Ministers and Authorities serving in Department of Education, Government of Maharashtra. Upon perusal of the contents of the representations, it appears that, the petitioner has grievance about the alleged mismanagement in the Respondent No.4 and schools run by the said respondent. The learned A.G.P. appearing for the State invited our attention to the provisions of the Maharashtra Educational Institutions (Management) Act, 1976 and submits that, in fact if the petitioner had grievance about the alleged mismanagement in the Respondent no.4- Society and schools run by it, the Director of Education is a competent authority under the said Act to whom the petitioner should have specifically address the representation.

4. We find considerable force in the arguments advanced by the learned A.G.P. appearing for the State. Upon perusal of the provisions of the said Act and in particular Section 6 thereof, the Director of Education, Maharashtra State, Pune is the competent authority to look into the allegations made in the representations made by

the petitioner and then take appropriate decision.

5. In that view of the matter, we grant liberty to the petitioner to make comprehensive representation to the Director of Education, Maharashtra State, Pune, who is the Competent Authority under the said Act of 1976, raising grievances which are permissible to be raised under the provisions of the said Act.

6. The petitioner submits that, the petitioner will file comprehensive representation under the provisions of aforementioned Act to the Director of Education, State of Maharashtra, Pune within three weeks from today. In case, such comprehensive representation is filed by the petitioner, the Director of Education, State of Maharashtra, Pune to decide the said representation, after adhering to the procedure prescribed under the aforesaid Act, and also after issuing notices to all the concern and take final decision on the said application/representation, as expeditiously as possible, however, preferably within six months from filing such representation.

7. In the light of above, Writ Petition stands disposed of.

(**P.R. BORA, J.**)

(**S.S. SHINDE, J.**)