

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

WRIT PETITION NO.7056 OF 2015

**Noor-Ul-Huda Education Society, Udgir Tq.Udgir Dist.Latur
and another Vs. The State of Maharashtra and others.**

WITH

WRIT PETITION NO.7302 OF 2015.

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.V.D.Gunale, advocate for the Petitioners.
Mr.V.S.Badakh, A.G.P. for the State.
Mr.U.B.Bondar, advocate for Respondent No.4.

**CORAM : S.V.GANGAPURWALA AND
N.W.SAMBRE, JJ.**

Date : 15.09.2016.

PER COURT :

1. Heard.

2. Mr.Gunale, learned counsel for the petitioners states that petitioners are running Urdu Medium and Marathi Medium Primary Schools at Ahmedpur. The petitioners are also running branch Schools at different places. The petitioners are granted permission from time to time. Even the fact that petitioners are running branch schools is acknowledged by the Education Officer and the Extension Officer way back in 2006-07. Abruptly, the Block Education Officer, Panchayat Samiti, Ahmedpur, issued

communication to the Head Master of the petitioners school to close down the branch schools. The learned counsel submits that the same is against the principles of natural justice. The petitioners are running the schools under valid permission. It is not a case that petitioners are illegally running the schools. The staff is also approved.

3. Mr.Bondar, learned counsel for the Education Officer submits that no permission has been granted to the petitioners to run branch school. Branch school being run is contrary to the Rules and Regulations. The photographs filed on record would show the sorry state of affairs. Even the building does not have basic infrastructure and the amenities, wherein the branch school is being run.

4. We have also heard learned A.G.P.

5. We have gone through the permissions granted to the petitioners to run Urdu Medium and Marathi Medium Primary Schools. In the inspection reports itself it is shown that the petitioners are running branch school. One such inspection report is of the year 2006-07.

6. When an action is being taken against the petitioners involving civil consequences, the elementary principles of natural justice are required to be followed. It appears that abruptly the Block Education Officer has issued communication to the

petitioners to close down the said branch school. The cardinal and fundamental principles of natural justice are violated.

7. In light of that, the impugned communications are quashed and set aside.

8. In case the Respondent Education Officer intends to take any action against the petitioners, the same shall be preceded by a show cause notice giving an opportunity to the petitioners to put forth its stand.

9. The Writ Petitions stand disposed of with aforesaid observations and directions. No costs.

(N . W . SAMBRE , J .)

(S . V . GANGAPURWALA , J .)

Dt.15.09.2016.
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