

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9131 OF 2015

RANI LAXMIBAI SHIKSHAN SANSTHA THROUGH ITS SECRETARY
SACHIN SHANKARRAO TALE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. V.S. Panpatte h/f Mr. Maniyar Irfan D.
AGP for Respondent/State : Mr. S.D. Kaldate

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CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: February 09, 2016

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PER COURT :-

Heard.

2. The learned counsel appearing for the petitioners invited our attention to the letter dated 7th June, 2013 sent by the Director of Education, Secondary and Higher Secondary, Office of Directorate of Education, State of Maharashtra, Pune addressed to the Additional Secretary, School, Education and Sports Department, Government of Maharashtra, Mantralaya, Mumbai, wherein guidance/direction is sought from the concerned Department, whether to grant the additional divisions keeping in view the increase of the strength of students and natural growth.

3. Upon perusal of the contents of the letter addressed by the Education Officer (Secondary), Zilla

Parishad, Nanded to the Deputy Director of Education, Office of the Deputy Directorate, Latur dated 15th October, 2012, it appears that, for the academic year 2004-2005 onwards the strength of students in 10th standard was above 73. The petitioner earlier filed Writ Petition No.1754 of 2012 (Rani Laxmibai Shikshan Sanstha, Nanded V/s The State of Maharashtra and others). In the said Writ Petition, the directions were given to the Respondents to take decision in respect of the claim of the petitioners for granting additional division of 10th standard by way of natural growth after considering the entire record, relevant Government Resolutions, Policy of the State, within 10 weeks from 25th July, 2012 i.e. from the date of passing of the order. However, it appears that, permission for second division of 10th standard is granted from the academic year 2012-2013. The learned counsel appearing for the petitioners is right in submitting that, *inter se* communication between the authorities demonstrates that, the strength of the students from the academic year 2004-2005 is above 73 and has gradually increased thereafter.

4. In that view of the matter, keeping in view the aforementioned aspects, we direct the Respondent No.1 to reconsider the decision of granting additional division, keeping in view the gradual increase of the students for 10th standard for the academic year 2004-2005 and also keeping in view the relevant policy existing at the relevant time in the year 2004-2005, when the petitioners applied for

additional divisions of the 10th standard. Such decision to be taken by the Respondent No.1, as expeditiously as possible, however, preferably by end of March, 2016 and communicate the said decision to the Director of Education, to the office of the Respondent No.4 and the petitioners also.

5. The Petition stands disposed of in the above terms.

6. The parties to act upon an authenticated copy of this order.

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

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

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