

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

WRIT PETITION NO. 8287 OF 2013

Sanvardhan Bahu-uddeshiya Sevabhavi
Sanstha Aurangabad, through its Secretary,
Vijaykumar s/o. Vishnupant Mule,
Age : 36 years, Occ. Social Work,
r/o. Plot No.7, Waluj-Kamlapur Road,
Near Darga Gate, Waluj,
Tq.Gangapur, Dist. Aurangabad ..Petitioner

Vs.

1. The State of Maharashtra,
Through it's Secretary of School
Education and Sports Department,
Mantralaya, Mumbai – 32
2. The Director of Education,
Maharashtra State, Central Building,
Pune
3. The Education Officer (Primary),
Zilla Parishad, Aurangabad ..Respondents

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Mr.R.R.Imale, Advocate for petitioners

Mr.S.D.Kaldate, AGP for respondent nos.1 and 2

Mr.Shrimant Mundhe, Advocate for respondent no.3

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : JULY 20, 2016**

PER COURT :

Heard the learned Counsel appearing for the petitioner, the learned AGP appearing for respondent nos.1 and 2 - State and the learned Counsel appearing for respondent no.3 - Zilla Parishad.

2. The grievance of the petitioner is that the proposal submitted by the petitioner in the year 2010, which was duly recommended by respondent no.3 - Zilla Parishad, was not considered at all by the State Government.

3. Upon perusal of the contents of the letter dated 30.08.2013 (Exhibit 'O' page 117) written by the Desk Officer, School Education and Sports Department, Government of Maharashtra, it appears that the State Government has communicated to the Director of Education (Primary), State of Maharashtra, that the 7475 proposals, which were

invited and received for opening of English medium primary schools, shall be treated as cancelled since the State Government has decided not to consider the said proposals in view of the Right to Education Act coming into force.

4. The learned Counsel for the petitioner submits that inspite of the said decision taken by the State Government, two proposals submitted by Shri Sakharam Maharaj English School, Loni Budruk Tq. Risod, Dist. Washim and Mukund Madhav Vidyalaya, Golap, Dist. Ratnagiri (Rural) have been favorably considered by the State Government and the said Institutions were granted permission to open new English medium primary schools.

5. Perusal of the affidavit-in-reply filed on behalf of the State Government, would reveal that the contention of the petitioner that the aforementioned two Institutions have been granted

permission to open English medium primary schools, is not denied by the State Government.

6. The learned Counsel for the petitioner submits that already respondent no.3 - Zilla Parishad has already recommended and forwarded the proposal of the petitioner for opening an English medium primary school and it is for the State Government to consider the same.

7. In the light of the submissions of the learned Counsel appearing for the parties, pleadings in the petition, grounds taken therein, Annexures thereto and the reply filed on behalf of the State Government, we are of the considered view that since the two proposals, as mentioned above, have been favourably considered by the State Government inspite of rejection of the other proposals, the proposal of the petitioner for opening of English medium school deserves consideration.

8. In that view of the matter, we grant liberty to the petitioner to submit a copy of the said proposal to respondent no.2 within two weeks from today. Upon receipt of copy of the proposal, respondent no.2 shall consider the same on merits, keeping in view the fact that the petitioner has applied for opening of school on unaided basis, however, without asking the petitioner to submit a fresh proposal and insist for deposit of further fees. While deciding the said proposal, respondent no.2 shall take into consideration the recommendations of respondent no.3. Respondent no.2 shall decide the proposal as expeditiously as possible, however, within a period of six weeks from today from the receipt of the proposal from the petitioner.

9. The Writ Petition stands disposed of in the above terms.

10. The learned AGP assures this Court that a copy of this order will be sent to respondent no.2 and the concerned authorities through the office of the Government Pleader by the fastest modes of communication.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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