

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9370 OF 2014

Shri Chhatrapati Shivaji Shikshan Sanstha,
Karanjkalla, Taluka Kallam,
District Osmanabad,
Through its President
Shri Sanjay Ramchandra Kamble,
Age-46 years, Occu-Service,
R/o.Kalpna Nagar, Kallam,
Taluka Kallam, District Osmanabad

PETITIONER

VERSUS

1. State of Maharashtra,
Through its Secretary,
Department of School Education
and Sports Department, Mantralaya, Mumbai,
2. The Director of Education (Secondary
and Higher Secondary),
State of Maharashtra, Pune,
3. The Deputy Director of Education,
Latur Division, Latur,
4. The Education Officer (Secondary),
Zilla Parishad, Osmanabad

RESPONDENTS

Mr.S.S.Jadhavar with Mr.S.R.Shirsath, Advocate for the petitioner.
Mr.V.G.Shelke, AGP for respondent Nos.1 to 4.

(CORAM : RAVINDRA V. GHUGE, J.)

DATE : 12/01/2016

ORAL JUDGMENT :

1. Rule. Rule made returnable forthwith by the consent of the

parties.

2. The petitioner is aggrieved by the order dated 14/03/2013 passed by respondent No.3 by which the petitioner's school has been de-recognized. The petitioner is also aggrieved by the order passed by respondent No.2 and respondent No.1 dated 15/06/2013 and 20/08/2014 respectively thereby confirming the order of de-recognition dated 14/03/2013.

3. I have heard Mr.Jadhavar, learned Advocate for the petitioner at length. Submission is that the de-recognized school situated at village Karanjalla, Tal.Kallam, Dist.Osmanabad was started in the year 1968 on 100% grant basis. An unforeseen event took place involving two male teachers of the school and the said event was published in the newspaper on 06/07/2008 in "Dainik Sakal". Consequentially, there was a hue and cry by the parents and guardians of the students resulting in withdrawal of admissions.

4. He further submits that the Education Department conducted an inspection and came to a conclusion that the result of S.S.C examination in the years 2011 and 2012 was "0" percent. Certain deficiencies were noticed and consequentially by the impugned order

dated 14/03/2013, the recognition of the school was withdrawn. 8 deficiencies have been specifically set out on page No.2 of the said order.

5. Mr.Jadhavar submits that the petitioner preferred an appeal before respondent No.2, which dismissed the same by the impugned order dated 15/06/2013. The petitioner then approached respondent No.1 and by the impugned order dated 20/08/2014, the order dated 14/03/2013 was sustained.

6. It is submitted that now the petitioner has constructed a permanent school building which is a concrete structure. Wash rooms (toilets) have been constructed. Deficiencies noticed by the competent authority have been done away with and the said school is fit to be granted permission and recognition so as to be restarted.

7. The learned AGP has opposed the petition on the ground that whether the deficiencies have been cured or not, cannot be scrutinized by this Court within its supervisory jurisdiction. Whether the impugned orders are sustainable or not, can alone be looked into by this Court. In the event, the petitioner claims to have cured the deficiencies, it will have to move an application to the

competent authority and convince the authority that the school is fit to be restarted. This exercise cannot be undertaken by this Court and it ought to be left to the jurisdiction of the competent Authority.

8. I have considered the submissions of the learned Advocates, as have been recorded hereinabove.

9. I do not find that this petition deserves to be entertained as against the legality of the impugned orders passed. In so far as the contention of the petitioner that the deficiencies set out in the order dated 14/03/2013 have been cured is concerned, the petitioner would be at liberty to follow the due procedure for making an appropriate application before the competent authority so as to convince the authority that the norms applicable for operating a school and for being recognized have been achieved by the petitioner.

10. In the light of the above, this petition is disposed of without causing any interference in the impugned orders, but with liberty to the petitioner to approach the competent authority for seeking permission and recognition to start the said school at village Karanjikalla. The competent authority shall consider such an application, if made, in accordance with its norms and rules. It is

clarified that this Court has not expressed any opinion on whether the petitioner should be granted permission to restart the school or not.

11. Rule is, therefore, discharged.

(RAVINDRA V. GHUGE, J.)