

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

WRIT PETITION NO. 903 OF 2012

Sanju Chhagan Kale & others ...Petitioners

VERSUS

The State of Maharashtra & ors. ...Respondents

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Shri Anandsing, advocate for petitioners

Shri P.N.Kutti, A.G.P. for respondent nos. 1 to 3

Shri V.S.Bedre, advocate for respondent nos. 4 and 5

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

DATED : 27th JULY, 2016

PER COURT :-

Heard learned counsel appearing for the petitioners, the learned A.G.P. for the respondent nos. 1 to 3/State and learned counsel appearing for respondent nos. 5 and 6.

2. Learned counsel appearing for the petitioners has tendered across Bar copy of the Maharashtra Educational Institutions (Transfer of Management) Act, 1971 and also the Government

Resolution, dated 30.10.1996, issued by the Higher and Technical Education and Employment Department, Government of Maharashtra, Mantralaya, Mumbai, and submits that the grievance raised in this petition can be considered by the Director of Higher Education. He invited our attention to Section 6 of the said Act and submits that this Court may pass appropriate orders.

3. Learned counsel appearing for the respondent/management relying upon the provisions of Section 3 of the said Act submits that an opportunity to the management is required to be given in an investigation/inquiry against the management.

4. In the light of submissions made across Bar and keeping in view the scheme of the Maharashtra Educational Institutions (Transfer of Management) Act, 1971 and the Government Resolution, dated 30.10.1996 of which reference is already made, we direct the respondent no.2 i.e.

Director for Higher Education, State of Maharashtra, Pune, to look into the grievance raised in this petition by treating this petition as representation/application filed by the petitioners and after hearing all concerned including respondent/management and also allowing the parties to place on record relevant documents including documents which are already placed on record by the parties in this petition, to take the decision as expeditiously as possible, however, within three months from today.

5. The petitioners to submit complete set of Writ Petition before the respondent no.2. The said authority to consider the said petition as representation/application and without insisting for further formal representation/application adjudicate upon the issues raised in the petition.

6. Parties to appear before the Director of Education on 8.8.2016. After appearance is caused by the parties, the Director to fix the schedule

of hearing and accordingly parties to cooperate for taking early decision by the said authority.

7. Petition stands disposed of on above terms.

(P . R . B O R A , J .)

(S . S . S H I N D E , J .)

dbm/wp903.12