

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

64 WRIT PETITION NO. 11499 OF 2015

MILIND SHIKSHAN PRASARAK MANDAL THROUGH ITS
SECRETARYASHWAGHOSH ANANDRAO THAMKE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Gunale V.D.
Mr. AV Deshmukh, AGP for Respondents: 1 & 3;
Mr. Patil Sham B., Adv. For R/4.

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

DATE : 10th February, 2016.

PER COURT :

1) Heard. This petition takes exception to communication dated 19th November, 2015 addressed by Education Officer (Primary) Zilla Parishad, Nanded to the petitioner-institution. Learned Counsel appearing for the petitioner submits that the impugned communication, refusing to grant approval to run and conduct the classes of 5th Std. is without adhering to the principles of natural justice. Since before passing the impugned order/issuing impugned communication/letter (at Exhibit-J page 68 of the petition) the petitioner was not heard, on that count alone, the impugned order/communication stands

quashed and set aside. Respondent No.4 is directed to hear the petitioner-institution as also the concerned Block Education officer and take an appropriate decision on its own merits after considering the relevant record and policy of the State Government, as expeditiously as possible and preferably within a period of eight weeks from today and communicate the said decision to the petitioner as also to the Block Education officer.

2) With these directions, the petition stands disposed of.

. Parties to act on authenticated copy of this order.

(P.R.BORA)
JUDGE

(S.S.SHINDE)
JUDGE

bdv/1