

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

43 WRIT PETITION NO. 11883 OF 2015

ADARSH MAHILA SEVA BHAVI SANSTHA BASMAT THROUGH ITS
PRESIDENT FARJANA BEGUM ILYAS

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Kiran M. Nagarkar

AGP for Respondents State: Mr. S. K. Tambe

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 19th September, 2016

ORDER:

1. Mr. Nagarkar, the learned counsel for the petitioner submits that the petitioner had given proposal for start of Urdu medium primary school at Vasmat for the academic year 2008-09. The Respondents did not process the same. However, for the first time, vide impugned communication dated 7th August, 2014, it was communicated to the petitioner that the proposal of the petitioner is rejected

2. Learned counsel submits that the petitioner had complied with all the relevant requirements under the Statute. Inaction on the part of the respondent authorities should not result in negative consideration of the proposal.

3. Learned AGP submits that in the year 2009 only,

the petitioner was communicated of the rejection of the proposal.

4. We have considered the submissions.

5. We are not entering into the aspect as to whether the petitioner has received the communication in the year 2009. The proposal was submitted before introduction of the Right to Education Act. Now, after introduction of the Right to Education Act, parameters for starting Schools have also undergone change so also the policy is changed. The petitioner now will have to comply with the parameters under the Right to Education Act and the existing policy.

6. In the light of above, no relief can be granted to the petitioner in the present petition. However, the petitioner may make an application for starting Urdu Medium primary school, afresh. In case of receipt of such proposal, the respondents shall decide the same in accordance with law and existing policy, expeditiously, preferably within six months. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC