

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7578 OF 2015

Shree Basveshwar Shikshan
Prasarak Mandal, Mali Nagar

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. A. D. Sale for the Petitioner.

Ms. M. P. Thakur, AGP for the Respondents.

Coram : SHANTANU KEMKAR &
RANJIT MORE, JJ.

Date : **April 27, 2016.**

P. C. :

1. Rule. Rule is made returnable forthwith. Since the issue involved is in narrow compass, by consent of parties, the matter is immediately taken up for final hearing.

2. Heard the learned Counsel appearing for the respective parties.

3. According to the Petitioner, the Petitioner has not been awarded adequate marks for having own place for starting a school. He submits that the Petitioner has submitted a gift-deed and by treating it to be a lease-deed, instead of 10 marks which are awardable, only 8 marks have been awarded to the Petitioner. He pointed out that Respondent Nos.2 and 3 have

taken a decision in the meeting held on 30th May 2014 in the District Level Committee to award 10 marks to the schools having registered gift-deed even though 7/12 extract has not been produced and the fact of gift-deed has not been given effect in the 7/12 extract.

4. Having regard to the aforesaid decision and keeping in view the fact that the Petitioner has a registered gift-deed in its favour, in our considered view, the decision of Respondent Nos.2 and 3 of not awarding full marks to the Petitioner for having own place and awarding only 8 marks, treating it to be a lease-deed, cannot be accepted. Accordingly, we direct Respondent Nos.2 and 3 to award full marks, i.e., to the extent of 10 marks under the head "Place" to the Petitioner and proceed accordingly. With the above directions, petition stands disposed of.

[RANJIT MORE, J.]

[SHANTANU KEMKAR, J.]