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IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8917 OF 2015**

Shikshan Maharshi Sangppana Karjangi,
Gramin Vikas Pratisthan, Tikondi ... Petitioner

Versus

The State of Maharashtra and Ors. ... Respondents

Mr. Amitkumar D. Sale for the petitioner.

Mr. P.G. Sawant, AGP for respondent nos. 1 to 4.

**CORAM : SHANTANU KEMKAR &
RANJIT MORE, JJ.
DATED : APRIL 20, 2016.**

P.C.

Rule. Rule is made returnable forthwith. By consent of the parties, the matter is taken up for final hearing at the stage of admission itself.

2. Heard counsel for the respective parties and the learned AGP for the State.

3. By filing this petition, the petitioner is challenging the illegal action of respondent nos. 2 and 3 in not granting the petitioner full marks in the criteria of having school in the village in concern as contemplated in Sr.3(2) under Schedule Schedule "D" of Government Resolution dated 25.11.2013. Petitioner has produced

a document to show that the petitioner is running a primary school namely Mallikarjun Primary School, Tikondi, Taluka Jath, District Sangli. The fact that the petitioner is running the aforementioned primary school has not been disputed by the learned AGP. He however, submits that the action for de-recognition of the said school is pending and therefore, petitioner has not been awarded five marks for the same.

4. Having considered the submissions made by the learned counsel for the parties, we find that the reason assigned by respondent nos. 2 and 3 cannot be sustained. Merely because some action for de-recognition is pending against the said Primary School, the petitioner who is running the said school and is having valid recognition for the same, is entitled for the marks for the said purpose. In the result, we dispose of this petition with a direction to respondent nos. 2 and 3 to award five marks to the petitioner for having a school in the village concerned. Under the said criteria, five marks be awarded and added in the marks already awarded to the petitioner. Petition stands disposed of. The matter be processed by the respondents taking the marks as directed above.

(RANJIT MORE,J.)

(SHANTANU KEMKAR, J.)