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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

**WRIT PETITION NO. 8557 OF 2011
ALONG WITH
CIVIL APPLICATION NO. 3021 OF 2015
IN
WRIT PETITION NO. 8557 OF 2011**

Shri Ambikeshwar Mahadev Shikshan Mandal
through its President Shri Prabhakar R.
Upadhyay

... Petitioner

Versus

The Education Officer, Thane
Municipal corporation and Ors.

... Respondents

Mr. M.S. Lagu for the petitioner.

Mr. Vikas Mali, AGP for R. Nos. 1 to 4.

Ms. Gauri Velankar i/by Mr. Mandar Limaye for R. Nos. 1 to 4.

**CORAM : SHANTANU KEMKAR &
PRAKASH D. NAIK, JJ.
DATED : DECEMBER 13, 2016.**

P.C.

Parties through their counsel.

2. Through this petition filed under Article 226 of the Constitution of India, the petitioner is seeking the following reliefs :

“a. that this Hon'ble Court may be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents to consider and take

appropriate decision on the proposal submitted by the Petitioner for recognition of its Hindi School and the Respondents be directed to grant recognition to the Petitioners school.

b. that this Hon'ble Court may be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other appropriate Writ, Order or Direction directing the Respondents to withdraw or cancel the impugned notices dtd. 6/7/2011 and 16/8/2011.

c. that this Hon'ble Court may be pleased to issue a Writ of Certiorari or writ in the nature of Certiorari or any other appropriate Writ of Certiorari or writ in the nature of Certiorari or any other appropriate Writ, Order or Direction calling for records and Proceedings of impugned Notices dtd. 6/7/2011 and 16/8/2011 issued by the Respondent Education Officer and after examining the legality, validity and propriety thereof, the said Notices dtd. 6/7/2011 and 16/8/2011 issued by the Respondent Education Officer be quashed and set aside.

d. Pending the hearing and final hearing of this Writ Petition, the Respondents, their Officers, servants and subordinates be restrained from taking any coercive steps against the petitioner management in pursuance of impugned notices and the Respondents be directed to grant recognition to the Petitioners school.

e. Ad interim relief in terms of prayer clause (d) above may be granted.

f. The Petitioner be awarded costs of this Writ Petition.

g. for such other and further reliefs as this Hon'ble Court may deem fit and proper."

3. By filing the Civil Application, the applicant has sought the following reliefs :

"a. that this Hon'ble Court may be pleased to direct the Respondents to consider and take appropriate decision on the proposal submitted by the Petitioner for recognition of its Hindi School and the Respondents be directed to grant recognition to the Petitioners school or in the alternative the Respondent Education Officer be directed to submit his report in pursuance of the letter

dtd.21st August, 2012 issued by Respondent Dy. Director of Education.

b. Pending the hearing and final hearing of this Civil Application, the Respondents be directed to submit his report in pursuance of the letter dtd. 21st August, 2012 issued by Respondent Dy. Director of Education and the Respondents be directed to grant recognition to the petitioners school.

c. Ad interim relief in terms of prayer clause (d) above may be granted.

d. The Petitioner be awarded costs of this Writ Petition.

e. for such other and further reliefs as this Hon'ble Court may deem fit and proper."

4. On 28.11.2016, this Court had directed the learned AGP to seek instructions as to whether the proposal submitted by the petitioner for recognition to the Hindi School has been considered or decided or not. Learned AGP submits that the information was sought from the Deputy Director of Education but till date that information has not been received. Keeping in view the facts and circumstances of the case and the controversy involved in this petition, we are of the view that this petition deserves to be disposed of by directing the Deputy Director of Education, respondent no.2 to consider and take appropriate decision in regard to the petitioner's proposal for recognition of its Hindi school and to grant recognition in case petitioner's school is found eligible for the same. Accordingly we dispose of this petition by directing respondent no.2 to consider and take appropriate decision on the said proposal in accordance with law as expeditiously as possible

but not later than two months from the date of receipt of copy of this order.

5. With the aforesaid directions, Writ Petition as also the Civil Application stand disposed of.

(PRAKASH D. NAIK, J.)

(SHANTANU KEMKAR, J.)