

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 7838 OF 2016**

Ziya-Ul-Quraan Educational Trust	..	Petitioner
versus		
State of Maharashtra & Ors.	..	Respondents

Mr. N. V. Bandiwadekar for Petitioner.
Mr. Vishal Thadhani – AGP for State

**CORAM: DR. MANJULA CHELLUR, C. J. AND
M. S. SONAK, J.**

DATE : 19 SEPTEMBER 2016

P.C.:

- 1] Heard learned counsel for the parties.
- 2] Rule. With the consent of and at the request of the learned counsel for the parties, Rule is made returnable forthwith.
- 3] The challenge in this petition is to the rejection / non consideration of proposal submitted by the petitioner commencing an Unaided Primary English School.
- 4] The learned counsel for the petitioner placed on record a certificate issued by the Competent Authority of the State of Maharashtra (Minority Development Department), certifying that the petitioner is a minority institution entitled to rights guaranteed under Article 30 of the Constitution of India. This position is not disputed by the respondents.

5] In view of the aforesaid, the issues raised in this petition will stand covered by our decision in writ petition no. 1595 of 2014. Therefore, for the reasons recorded in the order disposing of writ petition no. 1595 of 2014, we allow the present petition.

6] Accordingly, the communication rejecting the petitioners proposal for establishing Primary English Medium School is hereby set aside. The State shall reconsider the petitioners proposal in accordance with the Maharashtra Self-financed Schools (Establishment and Regulation) Act, 2012, save and except to the extent the said Act makes reference to the provisions of the Right of Children to Free & Compulsory Education Act, 2009 (RTE). In considering such proposal, the State shall take into consideration the law laid down by the Supreme Court in the case of ***Pramati Educational and Cultural Trust (Registered) & Ors. vs. Union of India & Ors.***¹ Such exercise shall be completed within a period of four months from today.

7] Rule is made absolute to the aforesaid extent.

CHIEF JUSTICE

(M. S. SONAK, J.)

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¹ (2014) 8 SCC 1