

no.3-School to the petitioner. In pursuance thereof, the petitioner has paid a sum of Rs.15,00,000/- (Rupees Fifteen Lacs Only) to the office bearers of respondent no.2-Society. Necessary proposal for transfer of management of the respondent no.3-School to the petitioner, had in fact been forwarded to the concerned statutory authorities. Even before any final decision could be taken with regard to such proposal, the statutory authorities have issued the impugned communications, which virtually have the effect of rejecting the proposal for transfer of management of the respondent no.3-School in favour of the petitioner and instead, approved a proposal for transfer of management in favour of the respondent no.4.

3. Mr. Walve further submitted that the petitioner-Society has experience of more than 10 years in the field of education and it has already made a huge investment for securing transfer of management of respondent no.3-School in its favour. Efforts have also been made by the petitioner-Society to effectuate compliances, so that, the management of the respondent no.3-School can be transferred to the petitioner-Society. The statutory authorities, without considering all such relevant aspects, have issued the impugned communications and therefore, there is necessity to set aside the impugned communications and grant approval for transfer of management of the respondent no.3-School in favour of the petitioner-Society.

4. Mr. Kakade, learned A.G.P. who appears for respondent nos.1 and 5 and Mr. Salunke, learned Counsel for respondent nos.2, 3

and 4, have submitted that there is no legal infirmity whatsoever in the impugned communications. They denied the case set out by the petitioner and further placed reliance upon the affidavits submitted by the employees of respondent no.3-School declining consent for transfer of management in favour of the petitioner-Society. They pointed out that the statutory authorities have taken into consideration all relevant aspects before issuance of the impugned communications and there is no case made out to interfere with the impugned communications in the exercise of extraordinary jurisdiction under Articles 226 and 227 of the Constitution of India.

5. Having heard the learned Counsel for parties and perused the record, in our judgment, no case is made out to interfere with the impugned communications. At the outset, it must be noted that there is no legal right vested in the petitioner-Society to obtain transfer of management of respondent no.3-School in its favour. The contention based upon alleged agreement with respondent no.2 and payment of certain amounts in pursuance thereof, can hardly be a consideration relevant for the statutory authorities, in the matter of discharge of their statutory functions. The statutory authorities, before they permit transfer of management of school, are enjoined to take into consideration the various parameters specified in the statute as well as interest of students, teaching and non-teaching staff. The statutory authorities are required to satisfy themselves that the transfer of management is indeed in the interest of the institution. In this case, the petitioner has not demonstrated in what manner the statutory

authorities have erred in the exercise of their statutory functions. The relative merit between the petitioner and the respondent no.4, is a matter which has been considered by the statutory authorities and there is no error or perversity demonstrated, either in the decision or in the decision making process. No case is made out to interfere with the impugned communications.

6. The petitioner, by virtue of the present petition, virtually seeks specific performance of the alleged agreement entered into between the petitioner and the respondent no.2. As noted earlier, the extraordinary jurisdiction of this Court is not available for such purpose. That apart, the statutory authorities, who are required to decide the issue of transfer of management, can obviously not be bound by any private alleged agreement between the petitioner and the respondent no.2-Society, in the matter of transfer of management. The authorities, in the present case, have taken into consideration the various relevant parameters. They have taken into consideration the circumstance that the staff members of the respondent no.3-School have declined to consent to the transfer of management in favour of the petitioner-Society. Upon overall consideration of the relevant facts, circumstances and parameters, the impugned communications have been issued. There is no legal infirmity in the impugned communications. In pursuance of the impugned communications, from the year 2013, it the respondent no.4 which is in management of the respondent no.3-School. No case is made out to disturb this position which is in operation since the year 2013.

7. For all the aforesaid reasons, this petition is dismissed.
There shall be no order as to costs.

(M. S. SONAK, J.)

(NARESH H. PATIL, J.)