

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.2802 OF 2015

(Adivasi Gramin Vikas Sanstha vs. State of Maharashtra and others)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri V.G. Wankhede, Advocate for petitioner.

Shri A.S. Fulzele, Additional Government Pleader for
respondent nos.1 and 3 to 7.

Mrs. M.R. Chandurkar, Advocate for respondent
no.2.

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JULY 11, 2016

On 23/6/2016 we have passed the
following order :

“The learned Additional Government Pleader points out that as per earlier judgment, the concerned Department was the beneficiary. Learned Advocate Shri Wankhede for the petitioner, only to avoid loss of time, seeks leave to add the Secretary, Education Department, Government of Maharashtra, Mantralaya, Mumbai-32 as party respondent no.7. Leave granted.

The necessary amendment be carried out forthwith.

The learned Additional Government Pleader waives notice for the newly added respondent.

The newly added respondent to point out what action has been taken after the judgment of this Court dated 19/8/2005 in Writ Petition No.4830 of

2004.

List for further consideration on 11/7/2016.”

We find that before that, on 14/10/2015 affidavit has been filed by Assistant Project Officer mentioning that challenge in writ petition is imaginary and no resolution like Resolution dated 10/4/2015 granting permission for starting Military School in Chandrapur District was passed by the State Government.

Adv. Chandurkar appearing for respondent no.2 states that there is no prayer against respondent no.2 and he has been unnecessarily joined.

Grievance of petitioner is that it has moved long back for grant of permission to start such School. That application is being kept pending and if any such School is permitted to come up, that application would be defeated.

We find that in paragraph 4 of the reply, State Government has pointed out that in a writ petition filed by petitioner about said application, i.e. Writ Petition No.2327/2006, it has already filed its reply and that writ petition is pending for final adjudication before this Court.

In this situation, we accept the statement made on affidavit that State Government has not published any Resolution like Resolution dated

10/4/2015 about commencement of a tribal Military School in Chandrapur District.

This statement sufficiently takes care of the apprehension expressed by the petitioner. However, without observing anything on merits and if any such steps are initiated, with liberty to petitioner to approach again in the matter, we dispose of the present writ petition. No costs.

JUDGE

JUDGE

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