

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3450 OF 2015

Taj Yuva Ekta Association, through its President, Nagpur

-vs-

Government of Maharashtra, thr.its Secretary, Social Welfare Deptt. and others

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

Court's or Judge's Orders.

Mr. B.M.Khan, counsel for the petitioner.

Mr. K.L.Dharmadhikari, AGP for the respondent Nos.1 and 2.

CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.

DATE : 03.02.2016.

By this petition, the petitioner challenges the order of the State Government, dated 28/08/2014, permitting the transfer of the closed school for the physically challenged children that was run by the respondent No.5-Society to the respondent No.6-Society.

According to the petitioner, though the petitioner-Association had sought the permission to transfer the closed school from Aurangabad to Nagpur, the application of the petitioner was wrongly ignored. According to the petitioner, the State Government ought to have permitted the transfer of the school run by the respondent No.5 to the petitioner-Association at Nagpur. It is stated that though there was a recommendation by the respondent No.4 in that regard, the recommendation has been wrongly ignored by the State Government while passing the impugned order, permitting the respondent No.6 to manage and administer the closed school run by the respondent No.5. It is stated that a direction is required to be issued to the State Government to reconsider the transfer of the school run by the respondent No.5 to the petitioner-Association.

On hearing the learned counsel for the parties and on a perusal of the documents annexed to the petition, we do not find any merit in the submissions made on behalf of the petitioner. Along with the petitioner certain institutions had also sought the to transfer of the closed school run by the respondent No.5 to them. The respondent No.6 wanted the transfer of the school that was run in Aurangabad to the respondent No.6-Society, which desired to run the same in Aurangabad only. The petitioner wanted to run the school, that was being run at Aurangabad, in Nagpur City. In the impugned order, it is clearly mentioned that there was a need for starting or running a school for disabled at Aurangabad and considering the said requirement, permission was granted for transfer of the Management of the closed school from the respondent No.5 to the respondent No.6. We do not find any illegality in the impugned order so as to interfere with the same, in exercise of the writ jurisdiction. Moreover, the respondent No.6 was permitted to run the school on 28/08/2014 and it is likely that the respondent No.6 must be running the school for the physically challenged children at Aurangabad where it was located.

Since no case is made out for interference with the impugned order, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE