

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

WRIT PETITION NO.3651/2015

Vitthal s/o Ramesh Mankar and another

...Versus...

State of Maharashtra, through its Secretary Ministry of Education, Mantralaya,
Mumbai and others

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

Court's or Judge's orders

Ms Tajwar Khan, AGP for respondent no.1

Shri Girish Kandhari, Adv. h/f Shri Anjan De, Adv. for respondent no.3

**CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.**

DATE : 05.10.2016

By this writ petition, the petitioners challenge the order of the respondent no.3 – Commissioner, Municipal Corporation, Akola dated 9.3.2015 amalgamating School no.15 of the Akola Municipal Corporation with School No.11 of the Corporation.

The only ground raised in the writ petition for challenging the impugned order is that School No.11 is at a distance of about two kilometers from School no.15, where the children of the petitioners were taking education and hence, the children of the petitioners would be required to travel two kilometers more. According to the petitioners, the children of the petitioners would be required to cross the roads for travelling two kilometers more and that may result in accidents.

We are not inclined to set aside the impugned order on the ground raised in the petition. There is no right in the petitioners to restrain the Corporation from amalgamating one

school of the Corporation in the other school for administrative reasons. Merely because the School in which the petitioners' children were studying is amalgamated in the School which is two kilometers away from the School, it cannot be said that the order is bad in law. Also, there is no force in the ground raised by the petitioners that because the petitioners' children may be required to travel two kilometers more, there is a likelihood of occurrence of accidents. The apprehension raised on behalf of the petitioners is not well founded. No other substantial ground is raised by the petitioners for challenging the impugned order. We find that the impugned order was passed on 9.3.2015 and hence, it is most likely that the order dated 9.3.2015 must have been implemented, as we had not stayed the impugned order while issuing the notice to the respondents. We further find that there is negligence on the part of the petitioners in prosecuting the writ petition. The writ petition is dismissed in default against the respondent nos.2 and 4, that is, the Controlling Officer and the Education Officer of Akola Municipal Corporation. Though time was granted, time and again to the petitioners to remove the office objections for supplying the copies, that were liable to be served on the concerned respondents, the petitioners did not tender the same in the office.

Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

CERTIFICATE

I certify that this order uploaded is a true and correct copy of original signed order.

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