

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

WRIT PETITION NO.5344/2015

Daata Minority Educational & Welfare Organisation, Akola, through its Secretary
and another
...Versus...
State of Maharashtra, through the Secretary, School Education & Sports
Department, 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

Shri M.V. Samarth, Advocate for petitioners
Mrs. B.H. Dangre, G.P. for respondents

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

DATE : 12.02.2016

Heard.

By this petition, the petitioner – Society seeks a direction to the State Government to allow the petitioner to start the 8th standard classes in the petitioner no.2 – School.

It is the case of the petitioner - Society that though standard 1st to 7th classes and standard 9th and 10th classes are conducted in the petitioner no.2 – School, the proposal of the petitioner – Society for granting permission to run the standard 8th classes has not been decided by the State Government.

Shri Samarth, the learned Counsel for the petitioners submitted that the petitioner - Society is a minority institution

and in a case filed by another minority institution i.e. Shahbabu Education Society, Patur bearing Writ Petition No.2336/2015, this Court had directed the State Government to consider the proposal of the said petitioner to start the 8th standard classes, in view of the earlier orders of this Court and the State Government has by the notification, dated 1.12.2015 granted permission to Shahbabu Education Society, Patur to start the 8th standard classes. It is stated that the impugned order, declining permission to start the 8th standard classes while granting permission to start the 9th and 10th standard classes is liable to be set aside. It is submitted that an order similar to the one passed in Writ Petition No.2336/2015 in the case of Shahbabu Education Society may be passed in this writ petition, on parity.

Mrs. Dangre, the learned Government Pleader appearing for the respondents does not dispute that the standard 1st to 7th classes and standard 9th and 10th classes are being conducted in the petitioner no.2 – School. It is not disputed that the petitioner - Society is a minority institution. It is further not disputed that an order directing the State Government to consider the proposal of the petitioner in Writ Petition No.2336/2015 was passed and in pursuance of the same, permission is granted to Shahbabu Education Society by the notification, dated 1.12.2015 to start the 8th standard classes. It is submitted that an appropriate order may be passed, in the circumstances of the case.

In view of the statements recorded herein above, we partly allow the writ petition by directing the State Government to grant permission to the petitioner – Society to start

the 8th standard classes as by the notification, dated 1.12.2015 the State Government has granted permission to Shahbabu Education Society, Patur to start the 8th standard classes. The necessary permission to start the 8th standard classes should be granted by the State Government on appropriate terms and conditions, within a period of one month, so that the 8th standard classes could be conducted in the petitioner no.2 – School from the academic session 2016-17.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar