

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

WRIT PETITION NO. 6161 OF 2015

(Sau. Sushilabai Surdas Gaikwad vs. Education Officer (Secondary), Zilla Parishad, Nagpur 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 B.M. Kharkate, Advocate for petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for
respondent nos. 1 to 4.

Shri B.G. Kulkarni, Advocate for respondent nos.5 and 6.

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

DATED : SEPTEMBER 7, 2016

By this writ petition, the petitioner, who claims to be the President of the Education Society that runs the concerned School, has challenged the order of transfer of the School from Dhurkheda, Tahsil Umred to Kalamna.

For challenging the order of transfer of the School, the petitioner has raised only one ground. According to the petitioner, as per Government Resolution dated 17/2/2009, permission could not have been granted by the State Government for transfer of the School, if the distance between the place from which the School is sought to be transferred to the place where it is sought to be transferred is more than 10 kms. According to the petitioner, the distance between Dhurkheda and Kalamna is more than 10 kms. and permission to transfer the School from Dhurkheda is clearly against the policy

of the State Government, as laid down in the Government Resolution dated 17/2/2009.

It is stated on behalf of the respondents that the condition in respect of permission to transfer the School beyond 10 kms. would not be applicable to a School that is run on “permanent no grant” basis. It is stated that it is clear from the Government Resolution dated 17/2/2009 that the aforesaid condition is applicable to the Schools that are run on “grant-in-aid” and “no grant” basis.

On hearing the learned Counsel for the parties and on a perusal of the Government Resolution dated 17/2/2009, it appears that there is no merit in the only ground raised on behalf of the petitioner for challenging the impugned order. The condition that the School cannot be transferred beyond 10 kms. is applicable only to the Schools, which receive grant-in-aid and Schools that are run on “no grant” basis. The said condition is not applicable to the Schools that are run on “permanent no grant” basis. Also, the petitioner has not joined either the Management or the School through its Head Master as a party respondents and only two Trustees have been personally joined as parties. Hence, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE

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CERTIFICATE

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

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Kamal H. Jeswani
Private Secretary

Uploaded on :

14/9/2016