

**FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.**

Writ Petition No. 6630 of 2014

Swargiya Vithoba Devaji Bawne Guruji Smruti Vruksharopan Samvardhan Shikshan
Sanstha, Gadchiroli & ors.

v.

State of Maharashtra & ors.

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

Court's or Judge's orders

None for the Petitioners.
Shri P.V. Bhoyar, A.G.P., for the Respondents.

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Coram : Smt. Vasanti A. Naik &
V.M. Deshpande, JJ.

Date : 16th March, 2016.

None appeared for the petitioner in the morning session

None appears for the petitioner in the afternoon session also.

We have perused the writ petition and have heard the
learned Asstt. Govt. Pleader for the respondents/State.

By this writ petition, the petitioners have challenged the
communications of the respondent no. 2, dated 29.1.2014
rejecting the proposal of the petitioners for permission to start a
grant-in-aid Ashram School for the V.J., N.T. students in Gadchiroli.

The petitioners had applied in the year 2010 for permission to start an Ashram School for the V.J., N.T. and other backward class students. The proposal/representation forwarded by the petitioners through the Guardian Minister was, however, returned by the Special District Social Welfare officer, Gadchiroli, on 05.1.2011. An appeal was filed by the petitioners to the respondent-authorities pointing out the necessity to start a Ashram School in the backward area of Gadchiroli. The Special District Social Welfare Officer, however, asked the petitioners not to submit any proposal unless the State Government invites applications for permission to open a new Ashram School for the backward class students. The petitioners filed Writ Petition No. 3588 of 2012 seeking a direction to the respondent-authorities to permit the petitioners to start the Ashram School. The petitioners challenged the policy decision of the State Government, in the Resolution dated 31.5.2006, deciding that no permission for starting new Ashram Schools could be granted. This Court disposed of the writ petition after permitting the petitioners to approach the State Government with proper data and asked the State Government whether any modification in the policy decision dated 31.5.2006 is necessary. The State Government, however, by the impugned order rejected the representation of the petitioners after holding that the policy decision dated 31.5.2006 was still in force and the

State Government did not intend to permit the opening of the new Ashram school for the backward classes. The said decision is challenged in the instant writ petition.

On hearing the learned Asstt. Government Pleader and on a perusal of the affidavit-in-rely filed on behalf of the respondents, it appears that there is no scope for interference with the impugned order in exercise of the writ jurisdiction. As a matter of policy, the State Government has decided not to permit the opening of new Ashram schools for the backward class students on grant-in-aid basis. The Government Resolution dated 31.5.2006 is still in force and the Government is not desirous of changing the said policy. Though it was canvassed on behalf of the petitioners in the earlier writ petition that the policy decision of the State Government is arbitrary, and the State Government should modify/change the Resolution dated 31.5.2006, the said challenge was not accepted. It would not be for this Court to direct the State Government to discontinue with the policy of not permitting the opening of Ashram schools on grant-in-aid basis for backward classes. It is rightly submitted on behalf of the respondents that only if the Government changes its policy and an advertisement is issued by the State Government inviting applications from the interested societies for opening of Ashram schools in a particular

backward area, the petitioners can apply along with the other eligible societies. We find no reason to interfere with the impugned order in the circumstances of the case.

Hence, the writ petition is dismissed with no order as to costs.

Judge

Judge

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