

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

Writ Petition No.6180/2016
(Navshakti Education Society, Agargaon, Dist. Nagpur and another .vs.
State of Maharashtra 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. P.C. Madkholkar, Advocate for Petitioners.
Mr. A.M. Balpande, AGP for Respondent Nos. 1,3 and 4.

CORAM : B.R. Gavai & V.M. Deshpande, JJ.
DATED : October 21, 2016.

The learned counsel for the petitioners seeks liberty to withdraw the petition insofar as prayer clause (B) and (C) are concerned with further liberty to raise the same challenge before the learned Single Judge and also for correction in prayer clause (A).

Liberty as prayed for is granted.

Heard Mr. Madkholkar, learned counsel for the petitioner.

The prayer made in prayer clause (A) in our considered view would be beyond our jurisdiction under Article 226 of the Constitution of India. We cannot direct the Legislature or the subordinate Legislating Authority as to what should be the legislation. Equally we cannot direct the Legislature or the subordinate Legislating Authority as to what should be the legislation for one class of

schools and for another class of schools.

Faced with this situation, Mr. Madkholkar, the learned counsel for the petitioner, submits that even insofar as prayer clause (A) is concerned, the petitioners be granted liberty to make a representation to the State Government and the State Government be directed to consider the same.

The petition is permitted to be withdrawn even insofar as prayer clause (A) is concerned with liberty to the petitioners to make a representation to the State Government. If such a representation is made to the State Government, such representation shall be considered and decided by the State Government in accordance with the law.

JUDGE

JUDGE

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