

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

P.I.L. No.114 of 2015

(Chandrashekhar s/o. Kailash Chaurasia .vs. State and Ors.)

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

Court's or Judge's Orders

Mr.S.G.Karmarkar, Adv. for the petitioner.
Mr.D.P.Thakare, AGP for respondent nos. 1 to 3.
Mr.N.S.Bhelkar, Adv. for respondent no.4.

CORAM : B.R.GAVAI &
V.M.DESHPANDE, JJ.

DATE : 1st September, 2016.

Heard.

The present Public Interest Litigation is filed on two fold allegations; (1) that the petitioner has aided misappropriation of huge amount in granting approval to the classes in the school wherein strength of the students is less than 30, (2) that the petitioner has granted approval to many ineligible persons.

Insofar as the first allegation is concerned, an affidavit-in-reply has been filed by the State Government stating therein that there is a provision which enables exemption of condition of minimum 30 number of students in the classes in the schools which are in the scheduled areas. Not only that, but perusal of the affidavit filed on behalf of the respondent no.4 would reveal that the State Government itself has granted exemption of minimum 30 numbers of students in respect of various schools in the

scheduled areas.

Insofar as the second allegation is concerned, respondent no.4 was acting as an appellate Authority to the approvals granted or refused by the Additional Tribal Commissioners. If any person is aggrieved by the orders passed by respondent no.4 as a quasi-judicial Authority, he can very well take recourse to the Second Appeal before the State Government in view of the provisions of the Ashram School Code or can approach this Court in the petition under Article 226 of the Constitution of India. On the contrary, perusal of the record would reveal that respondent no.4 in various cases has upheld the orders passed by the respective Additional Tribal Commissioners either granting or rejecting approval.

In that view of the matter, we do not find that there is any merit in the present P.I.L. Hence, the same is rejected. No order as to costs.

JUDGE

JUDGE

**jaiswal*

CERTIFICATE

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

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