

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 1700 OF 2012
PROGRESSIVE FRIENDS CIRCLE EDUCATION SOCIETY, MUKHED.
VERSUS
THE EDUCATION OFFICER(SECONDARY) ZP NANDED AND ORS

...
Advocate for the Petitioner : Shri Nagargoje Ankush N..
Add.GP for Respondents 1 to 3 : Smt.M.A.Deshpande.
...

**CORAM: RAVINDRA V. GHUGE
AND
SUNIL K. KOTWAL, JJ.**

DATE :- 17th November, 2017

Per Court :

1 We have considered the submissions of the learned Advocate for the Petitioner and the learned AGP on behalf of the Respondents, in the light of the prayer clauses A and B set out in the petition, which read as under:-

- "A) *For a writ of mandamus order or direction in the nature of mandamus, directing the respondents herein to consider the petitioner's proposal filed for opening of the secondary school (8th to 10th standard) at village Kalu Tanda, Taluka Mukhed, District Nanded for the ensuing academic year.*
- B) *For a writ of certiorari order or direction in the nature of certiorari calling for the record and proceeding of the order/ communication dated 09.11.2009 issued by the respondent No.1 and after examining the legality, validity and propriety thereof; the order/ communication dated 09.11.2009 issued by the respondent no.1 be quashed and set aside and the respondents herein be directed to grant permission to the petitioner institution to open the secondary*

school at village Kalu Tanda, Taluka Mukhed, District Nanded from the present academic year."

2 Considering the above and taking into account the submissions of the learned AGP that in the past five years the educational policy of the State has undergone change with regard to granting permission to start a new school, we find it appropriate to dispose of this Writ Petition with liberty to the Petitioner to file a fresh application/proposal which the Government would consider on its own merits.

3 As such, this Writ Petition is disposed of with liberty to the Petitioner to submit a fresh proposal to the appropriate Respondent Authority for seeking permission to open the secondary school (8th to 10th standard) at village Kalu Tanda, Taluka Mukhed, District Nanded for the academic year 2018-2019. If such proposal is tendered within SIX WEEKS from today, the competent authority of the State Government would consider the same keeping in view the present educational policy of the State Government and on its own merits.

4 It is expected that such proposal would be considered along with any other proposal for opening of such school at the said place expeditiously so as to arrive at a decision prior to the commencement of the next academic year.