

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.5548 OF 2004

Swodharak Vidhyarthi Sanstha
(Registered Public Trust),
Dhondaicha, Tq. Sindkheda,
District Dhule, through its
Secretary, Chainsingh s/o
Navalsingh Rajput,
age: 60 years, Occ: Agriculturist,
R/o Dhondaicha, Tq.Sindkheda,
District Dhule.

Petitioner

Versus

01 The State of Maharashtra,
through the Secretary,
School Education Department,
Maharashtra State,
Mantralaya, Mumbai-32.

02 Director of Education,
State of Maharashtra,
Central Building,
District Pune.

03 Deputy Director of Education,
Nashik Division,
Nashik Road, Nashik,
District Nashik.

04 Education Officer (Secondary),
Zilla Parishad, Dhule,
District Dhule.

05 Dr.Hemant s/o Bhaskar Deshmukh,
age: 62 years, Occ: Agriculturist,

R/o Dhondaicha, Tq.Sindkheda,
District Dhule.

06 Dnyanopasak Shikshan Prasarak
Mandal, Dhondaicha, Tq.Sindkheda,
District Dhule, through its President
Dr.Ravindar s/o Bhaskar Deshmukh,
age: 50 years, Occ: Agriculturist,
R/o Dhondaicha, Tq.Sindkheda,
District Dhule.

Respondents

Mr. P.R.Patil, advocate for the petitioner.
Mr. S.B.Joshi, A.G.P. for Respondents No.1 to 4.
Mr.Mangesh M. Jadhav, advocate holding for Mr.Parag Barde,
advocate for Respondent No.5.

**CORAM : R.M.BORDE &
SMT. VIBHA KANKANWADI, JJ.
DATE : 21st December, 2017**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard learned Counsel for respective parties.

2 The challenge raised in the instant petition is to the order in respect of approval of permission granted in favour of Respondent No.6 to start secondary school.

3 According to the petitioner, the State Government has deviated from the norms while according approval in favour of Respondent No.6 to operate the school only because of interference by the then Minister Mr.Hemant Deshmukh i.e. Respondent No.5.

4 The school started functioning since 2004 and there was no interim order granted by this Court directing stay of operation of permission granted in favour of Respondent No.6 to operate the school. It is, however, specifically mentioned in the order dated 11.10.2005, passed by this Court, that since the academic session is in half-way, any order, passed at that point of time, would not only affect Respondent No.6 but also the students taking education in the school.

5 It must be noted that by passage of time and after lapse of about thirteen years from the date of grant of permission, the situation has become irreversible. The fate of the employees as well as students taking education in the school is at stake. Any interference, at this juncture, would not only cause prejudice to the students but also the employees employed in the school. Considering this aspect of the matter, predominantly, we do not deem it appropriate to scrutinise merit of the contentions.

6 For the reasons recorded above, writ petition is dismissed. Rule discharged. No costs.

SMT.VIBHA KANKANWADI
JUDGE

R.M.BORDE
JUDGE