

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4524 OF 2017
(Om Shivkrupa Shikshan Prasarak Mandal, Aurangabad Vs.
The State of Maharashtra and others)

Mr. D.B. Pokale, Advocate for the Petitioner
Mr. P.N. Kutti, A.G.P. for the respondent/State

CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.

DATE : 5th APRIL, 2017

ORAL ORDER :

Heard.

2. The learned A.G.P. accepts notice for both the respondents.

3. The grievance of the petitioner is that the proposal submitted by them for starting English Primary School and for upgradation of the existing school, has been rejected. The said proposal was filed seeking permission on Self Finance basis for the academic year 2015-16.

4. The learned counsel for the petitioner submits that without assigning any reason, the proposal is

rejected. He relies on the order dated 6th March, 2017, passed by the Division Bench of this Court in Writ Petition No. 10675 of 2016 with connected Writ Petition.

5. The learned A.G.P. submits that as the said proposal was for the academic year 2015-16 and there were lacunae in the said proposal, the same has been rejected.

6. We have considered the submissions canvassed on behalf of both sides.

7. The impugned order rejecting the proposal submitted by the petitioner is bereft of any reason and a general order is passed, rejecting the said proposal. While rejecting the said proposal, the Authority concerned was expected to assign the reason/s. In absence of any reason being detailed in the impugned order, it would not be possible to sustain the said order.

8. It would be appropriate for the Authority to re-consider the proposal of the petitioner on its own merits. In the result, we pass the following order:-

9. The respondents-Authority shall re-consider the proposal of the petitioner afresh for the academic year 2017-18. The petitioner may appear before the Authority on 18th April, 2017. The Authority shall take the decision on the proposal of the petitioner expeditiously and preferably within two months, after hearing the petitioner.

10. The Writ Petition is disposed of in the above terms. No costs.

[SANGITRAO S. PATIL]
JUDGE

[S.V. GANGAPURWALA]
JUDGE

npj/wp4524-2017