

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CONTEMPT PETITION NO. 292 OF 2017
IN
WRIT PETITION NO. 142 OF 2017

Shri Shahaji Shikshan Sanstha
Nanded & another

Petitioners

Versus

Shri Nand Kumar
& others

Respondents

Mr. V.A. Dhakne, advocate for petitioners.

**CORAM : R.M.BORDE &
A. M. DHAVAL, JJ.**
DATE : 1st AUGUST, 2017

PER COURT:

1. Petitioners are praying for taking action against respondents for violating the directions issued by this Court on 09.01.2017. Directions were in respect of taking decision on the proposals to start additional division of seventh standard in the school operated by petitioners. According to petitioners, the proposals were tendered in past since 1998 till 2010 for opening additional division.

2. Even if it is considered that in past several applications were made to the State Government, those applications are of no consequence since for opening classes or additional division during the year 2017-2018 or 2018-2019, as per the policy of the State Government, fresh application has to be tendered prior to commencement of relevant academic year. Admittedly, no

application has been made for opening additional division prior to commencement of the relevant academic year. Apart from this, after enforcement of the Right of Children to Free and Compulsory Education Act, 2009, permission for opening school or additional division is governed in accordance with the Act of 2009 as well as rules framed by the State Government under the said Act. It is informed that the State Government has now adopted a policy of permitting the schools on self-finance basis. In this view of the matter, request made by petitioners to the State Government is not liable to be considered favourably.

3. In view of enforcement of the Act of 2009, the applications tendered by petitioners for permission to start additional division are infact rendered futile. In the circumstances, we do not find that the authorities have committed any contempt in their failure to decide the applications which are rendered futile. Contempt petition stands rejected.

(A.M. DHAVALÉ)
JUDGE

(R.M.BORDE)
JUDGE