

IN THE HIGH COURT OF JUDICATUR OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6758 OF 2006

1. Manyar Gramin Shikshan
Prasarak Mandal, Golegaonwadi,
Tal. Loha, Dist. Nanded
Through it's Secretary,
Basawraj Sangappa Belapure,
Age. 36 Years, Occu. Service,
R/o. C/o. Manyar Gramin Shikshan
Prasarak Mandal, Golegaonwadi,
Tal. Loha, Dist. Nanded at present
R/o. Khadalwal Palza,
Vazirabad Nanded.
2. Manyar Gramin Shikshan
Prasarak Mandal, Golegaonwadi,
Tal. Loha, dist. Nanded
Through it's President,
Sou. Mukta W/o. Maroti Jodtalle,
Age-27 yrs, Occu- household,
R/o. Palam Road, Loha Dist. Nanded. ...Petitioners.

VERSUS

1. State of Maharashtra.
2. Deputy Director of Education,
Latur Division, Latur.
3. Education Officer,
Zilla Parishad, Nanded.
4. Assistant Charity Commissioner,
Nanded Division, Nanded.
5. Priyadarshini Shikshan Prasarak

Mandal, Kalka, Tal. Kandhar,
Dist. Nanded.

6. Hanumant Motiram Kendre,
Age. 42 Years, Occu. Business,
R/o. Golegaonwadi, post. Golegaon,
Tal. Loha, Dist. Nanded.
7. Venkat Khemaji Karad,
Age. 37 Years, Occu. Business,
R/o. Shellali, Post: Ambulga,
Tal. Loha, Dist. Nanded.
8. Manik Rukmaji Gitte,
Age: 44 Years, Occu. Business
R/o. Shellali, Post : Ambulga,
Tal. Loha, Dist. Nanded.
9. Madhukar Govind Musale,
Age: 35 Years, Occu. Business
R/o. Golegaonwadi, post: Golegaon,
Tal. Loha, Dist. Nanded.
10. Subhash Sonba Jaybhave,
Age: 42 Years, Occu. Business
R/o. Ramachi Wadi,
Tal. Loha, Dist. Nanded.
11. Balaji Maroti Kendre,
Age: 42 Years, Occu. Business,
R/o. Shellali, Post : Ambulga,
Tal. Loha, Dist. Nanded.
12. Chandrakant Eknathrao Kendre,
Age: 35 Years, Occu. Business,
R/o. Golegaonwadi, Post: Golegaon,
Tal. Loha, Dist. Nanded.
13. Arjun Rakhmaji Gitte,

Age: 50 Years, Occu. Business,
R/o. Shellali, Post : Ambulga,
Tal. Loha, Dist. Nanded.

...Respondents.

Advocate for Petitioners : Shri V.J. Dhage.

AGP for Respondent No. 1 and 2 : Mr. Y.G. Gujrathi.

CORAM : RAVINDRA V. GHUGE &
SUNIL K. KOTWAL, JJ.

Dated : 06th November, 2017

ORAL JUDGMENT :

1. The petitioner Educational Institution is aggrieved by the order dated 14/08/2006, passed by the Deputy Director of Education, Latur Division and the consequential order dated 22.08.2006, passed by the Education Officer, Nanded Nagar Parishad, by which, the school operated by the petitioner was transferred to respondent No. 5.

2. The petitioner has put forth its prayers in paragraph 39 (B) to (H) which read as under :

(B) The order dated 14-08-2006, passed by the learned Deputy Director of Education, Latur division, transferring the Mankarna Prathamik Shala Navi Vasahat Loha, in favour of the respondent no. 5, may please be quashed and set aside.

(C) The order dated 22-08-2006, passed by the learned Education Officer, Zilla Parishad, Nanded, transferring the Mankarna Prathamik Shala Navi Vasahat Loha, in favour of the respondent no. 5, may please be quashed and set aside.

(D) The respondent no. 5, may please be restrained from interfering in the management of Mankarna Prathamik Shala Navi Vasahat Loha.

(E) Appropriate enquiry and Criminal Proceedings may please be initiated, against the persons, submitting the forged and fabricated documents, to the respondent no. 2 and 3.

(F) The sale deed/notarized documents, transferring the Mankarna Prathamik Shala Navi Vasahat Lohac to the respondent no. 5, may please be declared void, and the petitioners may please be declared as the institution entitled to manage the Mankarna Prathamik Shala Navi Vasahat Loha.

(G) Pending hearing and final disposal of the present writ petition, the effect. operation and execution, of the order dated 22-08-2006, passed by the Education Officer, Nanded Nagarparishad, transferring the Mankarna Prathamik Shala Navi Vasahat Loha, Dist. Nanded, may please be stayed.

(H) Pending hearing and final disposal of the present writ petition the respondent no. 5, may please be

restrained from interfering in the management of Mankarna Prathamik Shala Navi Vasahat Loha.”

3. When, this matter was heard by this Court on 29/09/2006, interim relief in terms of prayer clause ‘G’ and ‘H’ were granted in favour of the petitioner. Consequentially, the said school is being operated by the petitioner for the last eleven years during the pendency of this petition.

4. On 13/07/2011, this Court admitted the petition and confirmed the interim relief.

5. We have considered the strenuous submissions of the learned counsel for the petitioner and the learned AGP on behalf of respondent Nos. 1 and 2.

6. We find from the record that the petitioner has been operating the said school from the academic year 2000-2001. It was out of an internal dispute and the internal squabbles of the members of the executive body, that some of the members

resigned and that led to a dispute in the governing body of the Educational Institution.

7. Considering the above and keeping in view the interim relief granted by this Court more than eleven years ago, we do not find that the circumstances in which the impugned orders were passed in the year 2006, might continue to exist even today. This Court had stayed the impugned orders upon being *prima facie*, convinced that the same are unsustainable.

8. In the light of the above and taking into account the fact that the petitioner have been conducting the said school for more than eleven years after the grant of interim relief, this petition is partly allowed. The impugned orders dated 14/08/2006 and 22/08/2006 are quashed and set aside.

9. Needless to state, the respondent Nos. 2 and 3 authorities would be at liberty to consider the present facts and circumstances pertaining to the Mankarna Prathmik Vidyalaya, Loha and after giving an opportunity of hearing to the

petitioners, may review the situation if deemed necessary. The interests of the students shall be of prime importance.

10. Rule is made absolute in the above terms.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)

S.P.C.