

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

WRIT PETITION NO. 6405 OF 2007

Baliraj Shikshan Sanstha
Someshwar, Tq. Palam,
District Parbhani,
Through its Director,
Kashiram s/o Vithalrao Ankade,
Age : 51 years, Occu.: Service,
R/o.: At & Tq. Palam,
District Parbhani

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Under Secretary,
School Education Department,
Mantralaya, Mumbai – 32
2. Divisional Deputy Director
of Education,
3. Education Officer (Secondary),
Zilla Parishad, Parbhani
4. Prayag Seva Bhavi Sanstha,
Parbhani, At & Dist. Parbhani
through its Secretary

.. RESPONDENTS

Mr. P.G. Godhamgaonkar, Advocate for the Petitioner
Smt.S.S. Raut, A.G.P. for respondent Nos.1 to 3
Mr. U.R. Auti, Advocate holding for Mr. S.B. Talekar,
Advocate for respondent No.4

**CORAM : SUNIL P. DESHMUKH AND
SANGITRAO S. PATIL, JJ.**

DATE : 14th November, 2017

ORAL JUDGMENT :

After hearing learned counsel for the parties, it appears that in place of a school, which had been run by respondent No.4 – Institution by name Shri Sadguru Sanchaleshwar Vidyalaya, recognition of which had been withdrawn, consequently, need of running a school at Naikota appears to have arisen.

2. Petitioner claims that all the prerequisites for starting school at Naikota had been complied with by it and accordingly under communication dated 23rd June, 2004, new secondary schools were allowed to be started to 538 educational institutions wherein, according to petitioner, its name had figured at serial No. 50.

3. Learned counsel for the petitioner fairly concedes to the position that said communication dated 23rd June, 2004 could not be placed on record at the time of filing of the petition. He submits that it appears that subsequently another proposal was submitted by respondent No.4 for starting new school, which had been granted. He further fairly refers to that the petitioner had not pressed for grant of interim relief since respondent No.4 had already started running school since

June, 2004. Learned counsel, during the course of hearing, refers to some documents annexed, stating that those were prerequisites while submitting petitioner's proposal.

4. Smt. Raut, learned A.G.P. tenders across the bar communication dated 23rd June, 2004 alongwith its appendices, which shows that in all 538 educational institutions were allowed to start secondary schools. According to learned A.G.P., petitioner's name does not figure in the list of institutions referred to in the said communication.

5. Learned counsel for respondent No.4 states that the present writ petition has been filed in 2007 for grant of proposal which had been made in 2004 and since then, respondent No.4 has been running the school smoothly without breaches or hitches. There is no substance in the writ petition.

6. Taking overall view of the matter, since petitioner in support of its claim has not submitted any material before this Court, particularly when communication dated 23rd June, 2004 on which claim is

based does not support the same, we do not consider that claim made by the petitioner is worth consideration. Writ Petition, as such, is dismissed and disposed of. Rule is accordingly discharged.

[SANGITRAO S. PATIL]
JUDGE

[SUNIL P. DESHMUKH]
JUDGE

npj/wp6405-2007