

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

34 WRIT PETITION NO. 8639 OF 2016

WITH

WP/8640/2016 WITH WP/8641/2016 WITH WP/8642/2016 WITH
WP/8643/2016 WITH WP/8644/2016 WITH WP/8645/2016

KRISHNA CHARITABLE TRUST THROUGH ITS SECRETARY T Y SWAMI
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Patil N.P. Jamalpurkar
Mr. AS Shinde, AGP for Resp.1 To 4

**CORAM : R.M.BORDE &
P.R.BORA, JJ.**

DATE : 14th MARCH, 2017.

PER COURT

1) Heard. These petitions raise an identical issue, as has been dealt with by the Division Bench of this Court in Writ Petition No.4324/2016 decided on 10th January, 2017 at Nagpur Bench.

2) It is not a matter of dispute that the facts giving rise to these petitions are identical to the facts giving rise to Writ Petition No.4324/2016 and as such, the instant petitions can also be disposed of in terms of the order passed in Writ Petition No. 4324/2016.

3) The Division Bench of this Court, while

dealing with the aforesaid writ petition, has observed in paragraphs 8 to 10 of the order, as quoted below, -

" 8. While granting this permission, no particular reasons are recorded. Thus, while rejecting request of the petitioners to start or upgrade new Schools, no lacunae or any other disqualification has been pointed out in the impugned order. While allowing applications for the year 2016-17, again no reasons are recorded. If as per administrative decision, proposals submitted for the Academic year 2015-16 were looked into and valid in the Academic Year 2016-17 also, it is apparent that merely because their proposals were submitted for Academic year 2015-16, the same could not have been rejected for the Academic year 2016-17. The respondents have lost sight of the fact that the petitioners who could have renewed their request for the Academic year 2016-17, could not do so because of administrative decision and promise of consideration of their pending proposals for the next Academic year i.e. for 2016-17 also.

9. In this situation, we find that interest of justice can be met with by directing the respondents to reconsider the cases of the petitioners in accordance with law within next three months so as to enable them to start/upgrade their Schools, if the permission is

granted from next Academic year commencing from i.e June 2017. Such new school or upgradation can be considered if due to grant of permission in the year 2016-17, no other school has come up at a place desired by the petitioners.

10. Hence, without observing anything on the merits of the controversy, we partly allow the present writ petition. No order as to costs."

4) Considering the determination in the aforesaid matter, the present petitions also stand disposed of with directions to Respondent No.1 to re-consider the cases of the petitioners in accordance with law within next three months so as to enable them to start/upgrade their schools, if the permission is granted for the next academic year commencing from June-2017. Such new school or upgradation can be considered, if due to grant of permission for the academic year 2016-2017, no other school has come up at the place desired by the petitioners.

5) We direct the petitioners to appear before Respondent Nos.1 & 2 on **30th March, 2017** with copy of this order and copies of their respective proposals.

The period of three months, mentioned supra, shall commence from 30th March, 2017.

6) In view of the above, the writ petitions stand allowed. No order as to costs.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

bdv/