

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

**WRIT PETITION NO.10675 OF 2016**

Kai Vishnu Bhauoddeshiya Shikshan  
Prasarak Mandal, Aurangabad  
Plot No.28, Gat No.168,  
Ganesh Nagar, CIDCO, Waluj,  
Aurangabad  
Through its Secretary  
and others

..Petitioners

Vs.

The State of Maharashtra,  
Through its Secretary,  
Department of School Education,  
Mantralaya,  
Mumbai and ors.

..Respondents

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Mr.D.B.Pokale, Advocate for petitioners  
Mr.S.B.Joshi, AGP for respondent nos.1 and 3

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**AND**

**WRIT PETITION NO.12787 OF 2016**

Rajshree Chatrapati Shahu  
Maharaj Pratishtan,  
At Post Wasanwadi,  
Tq. and Dist. Beed,  
through its Secretary,  
Rahul s/o. Baburao Kamble

..Petitioner

Vs.

The State of Maharashtra,  
Through its Secretary,  
Department of School Education,  
Mantralaya, Mumbai  
and anr.

..Respondents

Mr.D.B.Pokale, Advocate for petitioners  
Mr.S.B.Joshi, AGP for respondent nos.1 and 2

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**CORAM : T.V. NALAWADE AND  
SANGITRAO S. PATIL, JJ.  
DATE : MARCH 06, 2017**

**ORAL ORDER :**

Heard both sides.

2. The learned A.G.P. produced a copy of the order dated 10<sup>th</sup> January, 2017, passed by a Division Bench of this Court at Nagpur Bench in ***Writ Petition No. 4324 of 2016 (Adiwasi Gramin Bahu uddeshiya Shikshan Sanstha, Wardha and others Vs. State of Maharashtra and another)***. This Court at Nagpur, in the similar circumstances, directed the respondents therein to consider the proposals for the academic year 2017-18, commencing from June, 2017. In the said matter, the following directions were issued by this Court :-

"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 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."

3. Considering the facts of the present case, on the above terms, the present Writ Petitions are partly allowed. The petitioners are directed to appear before respondent No.1 on 20.03.2017. The respondents are directed to reconsider the case of the petitioners and decide

the proposal in accordance with law before starting  
of the next academic year i.e. 2017-2018.

**[SANGITRAO S. PATIL, J.]**

**[T.V. NALAWADE, J.]**

kbp