

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

WRIT PETITION NO.11895 OF 2015

Hafezm Abdul Quadar Raj
and Education Society, Nanded,
through its Secretary
Mohd. Saber Baburaji s/o.
Abdul Quadar ..Petitioner

Vs.

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

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Mr.K.M.Nagarkar, Advocate for petitioner

Mrs.M.A.Deshpande, AGP for respondent nos.1 to 3

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.**

DATE : MARCH 14, 2017

ORDER :

Heard.

2. Mr.Nagarkar, learned Counsel for the petitioner states that this is the fourth petition filed by the petitioner seeking permission of

school being run on grant-in-aid basis. He submits that the impugned communication is not in consonance with the facts on record.

3. As per the impugned communication, the Authority has communicated that the survey is in progress and for sanction of grants, a master-plan will have to be prepared. The learned Counsel submits that for starting an Urdu Medium school, Master Plan is not required. He submits that as of today, there are more than 80 students taking education in the school of the petitioner, which is required to be considered. He submits that the other schools are considered for grant-in-aid, however, the school run by the petitioner is discriminated.

4. The learned AGP submits that the respondents are ready to grant permission to the petitioner to run the school on self-finance basis. According to her, it would not be possible

to consider the claim of the petitioner of grant-in-aid.

5. We have considered the submissions. It is the policy of the State Government to give permission to run a school on grant-in-aid basis. It is for the State to consider the feasibility and viability of a school to run it on grant-in-aid basis.

6. We had asked the learned AGP to give details of the schools run in nearby vicinity of the petitioner's school. The learned AGP has placed on record the details of five such schools; out of them, two schools are at a distance of half kilometer and other two are at a distance of one and half kilometers. In the said schools, the strength of the students is much more than that of the petitioner's school.

7. In the impugned communication, it has been stated that the master-plan is required to be

prepared for considering the proposals of secondary schools and junior colleges and thereafter only, permission can be granted. The respondents are ready to give permission to the school of the petitioner on self-finance basis.

8. Considering the above, it would not be possible to direct the respondents to consider the case of the petitioner for grant-in-aid. However, in case, the master-plan is prepared, the petitioner may apply pursuant to the master-plan or may opt to run the school on self-finance basis.

9. The Writ Petition stands disposed of accordingly. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

