

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6274 OF 2013

Janata Shikshan Prasarak Mandal & anr

.... Petitioners

vs

1 The State of Maharashtra and ors.

.... Respondents

Mr. Utkarsh Desai i/by Mr. Prashant S. Bhavake for the petitioners.

Mr. B. V. Samant, AGP for respondents 1 and 2.

Mr. N. V. Bandiwadekar for respondents 4 and 5.

**CORAM: B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.**

DATE : June 13, 2017

P.C. :

1 The Petitioners have approached this Court praying for quashing and setting aside the permission granted by Respondent No.1 to Respondent No.4-Institution to support Respondent No.5-School vide Government Resolution dated 15th June 2013.

2 It is the contention of the Petitioners that the Petitioner No.1 is already running primary school in the vicinity of the place where Respondent No.4 has been granted the permission to start the school.

3 The Petition is pending for admission for last four years. Admittedly, there is no interim order operating. It appears that the grievance of the Petitioners is that on account of grant of the school of Respondent No.4-the Petitioner-school will be adversely affected.

4 The perusal of the record would reveal that while granting permission to Petitioner No.1's-school, formalities under the Rules have been followed. The District Level Committee as well as the State Level Committee have recommended the case of the Petitioner for grant of permission. In that view of the matter, no error could be noticed with the decision of the State Government in granting permission to Respondent No.4 which is based upon the recommendations of the District Level Committee as well as the State Level Committee.

5 In any case, the apprehension of the Petitioners also appears to be ill-founded. There is no interim protection for the last five years and it is reported that the Petitioner-school as well as Respondent No.4 are running well.

6 In that view of the matter, no merit is found in the
Petition. It is rejected. There shall be no order as to costs.

(RIYAZ I. CHAGLA J.)

(B. R. GAVAI J.)