

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.3829/2009

Gurukul Shikshan Sanstha and anr. ..vs.. The State of Maharashtra & Ors.

Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's Orders.

Court's or Judge's orders.

Shri A. J. Gilda, Advocate for petitioners.

Shri D. P. Thakare, Addl. G.P. for respondent nos. 1 to 3.

CORAM : SMT. VASANTI A NAIK AND
V.M. DESHPANDE, JJ.

DATED : MARCH 20, 2017

By this writ petition, the petitioners seek a declaration that the communication of the State Government dated 31.08.2009, appointing the officers mentioned in the communication on the board of administrators to administer the school run by the petitioner no.1-society is bad in law.

It appears that the impugned order dated 31.08.2009 appointing the Board of Administrators was passed by the State Government on finding that certain illegalities were committed by the petitioner no.1 in running the school. We had, after finding that the petitioners had a prima facie case, stayed the impugned order dated 31.08.2009 during the pendency of the writ petition. The order is operating for more than 8 years. It is not known whether the three members that are mentioned in the impugned order dated 31.08.2009 are still serving as education authorities. When we have made a query to the learned Additional Government Pleader on the last date of hearing as to whether the Government is still desirous of appointing an administrator on the school run by the

petitioner society, the learned Additional Government Pleader, on instructions, has stated that the State Government is desirous of appointing an administrator on the petitioner-society to manage the affairs of the school. It is stated that during the pendency of the writ petition also, the petitioner-society is not running the school properly and several illegalities are committed.

The learned counsel for the petitioners however disputes this position and states that the society is running the school without any complaints.

Be that as it may. In view of the fact that an interim order was operating in favour of the petitioners and the appointment of the board of administrators on the petitioner society was stayed and the said order is operational for more than 8 years, it would be necessary to dispose of the petition with liberty to the State Government to make a proper inquiry, carry out an inspection and take appropriate steps against the petitioners if need be, after giving an opportunity to the petitioners, in accordance with the provisions of the Maharashtra Educational Institutions (Transfer of Management) Act, 1971. It would be needless to observe that in view of the aforesaid observations, the impugned order would not be acted upon.

Hence, with the aforesaid observations and with liberty to the respondents, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE