

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

WRIT PETITION NO. 4706 OF 2016

(Shri Ganesh Bahu-uddeshiya Shikshan Sanstha, Mogra (Shioni) thr. its Secretary, Sanjay Mahadeorao Vanwe & Ors. vs. State of Maharashtra, thr. its Secretary, School Education and Sports Department & Anr.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.
JANUARY 10, 2017.**

1. Heard Shri N.D. Thombre, learned counsel for the petitioners.
2. Ms. Ritu Kaliya, learned AGP appearing for the respondents is seeking time as instructions are still awaited.
3. There are total five educational institutions before this Court, who claim that their proposals for upgrading existing Schools submitted for the Academic year 2015-16, have not been considered within reasonable time and came to be dismissed mechanically and arbitrarily.
4. This Court has on 11.08.2016, issued notice in the matter and directed it to be heard along with Writ Petition No. 4324 of 2016.
5. Today, upon instructions, Shri Thombre, learned counsel submits that the petitioners are ready and willing to upgrade their existing Schools from the Academic Year 2017-18, if necessary permission is accorded. He is relying upon the document at Annexure 2, received by the petitioners under Right to Information Act.

6. A perusal of that document shows that while considering similar proposals for the Academic Year 2016-17, a decision was taken that the proposals pending and submitted for the Academic year 2015-16 can be looked into and those applicants need not submit fresh applications.

7. Shri Thombre, learned counsel submits that thus, an on line communication was issued on 03.11.2015 and as such, the petitioners were not required to apply afresh for the Academic year 2016-17. Very same document shows that when on 30.05.2016, the file was placed before the concerned Hon'ble Minister, the Hon'ble Minister has directed rejection of all proposals pending for the Academic Year 2015-16 and granted approval to all proposals for the Academic Year 2016-17.

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.

11. We direct the petitioners to appear before Respondent No. 1 on 31.01.2017 with copy of this order and copies of their proposals. The period of three months mentioned supra shall start to run from 31.01.2017.

JUDGE

JUDGE

*GS.