

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

**WRIT PETITION NO. 4097 OF 2014
WITH WP/11816/2014**

**SHRI SWAMI SAMARTH SHAIKSHANIK VA SANSKRUTIK MANDAL,
BHADLI (KH)
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.R.Barlinge, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for respondent/State.
Mr.P.B.Patil, Advocate for respondent No.5.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 11.10.2018**

P.C. :-

1. The dispute is about transfer of the management. The transfer of the management has to be in accordance with the procedure as laid down in the Maharashtra Educational Institutions (Transfer of Management) Act, 1971. It is submitted by the petitioner in Writ Petition No.4097 of 2014 that the proposal for transfer of the management from respondent No.5 to the petitioner in Writ Petition No.4097 of 2014 was already made to the authority.

2. In view of the fact that the proposal was made to the authority, it is for the authority under the provisions of the Maharashtra Educational Institutions (Transfer of Management) Act, 1971, to take decision with regard to the transfer of the management. The authority would be required to consider the proposal and other aspects as contemplated under the said Act.

3. As the proposal is already pending with the authority, the authority competent to take decision upon it, shall decide the said proposal on its own merits after hearing all the parties concerned, preferably within nine months.

4. The writ petitions are accordingly disposed of.
No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]