IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6494 OF 2018

Keshav s/o Namdeo Shinde,
Age: 37 years, Occu: Business,
Proprietor- Jijai Typewriting Institute,
Murshadpur, Tq. Ashti, Dist. Beed ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
Education Department, Mantralaya,
Mumbai-32

2. The Deputy Director of Education,
Aurangabad Division, Aurangabad

3. The Education Officer (Secondary),
Zilla Parishad, Beed ..RESPONDENTS

Mr N. B. Narwade, Advocate for petitioner;
Mr C. S. Kulkarni, A.G.P. for respondents

CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.

DATE : 10th July, 2018

ORAL ORDER:

Heard Mr Narwade, learned Counsel appearing on behalf of the petitioner and learned A.G.P. appearing for respondents.

2. The petitioner is a proprietor of an Institute, imparting training in typewriting skills. The petitioner is before this Court with a limited prayer,

namely, prayer clause (B), thereby seeking directions to the respondents-authorities to decide the representation submitted to them.

3. Mr Narwade, learned Counsel appearing on behalf of the petitioner invited our attention to the documents placed on record. He then submitted that in the year 2015, the petitioner submitted the proposal to the State Government for grant of permission to start manual typewriting institute. He then submitted that as there are various educational institutes in the surrounding areas of Murshadpur, Tq. Ashti, Dist. Beed, the petitioner was desirous of opening of typewriting institute. It was also submitted that in the area of Murshadpur Grampanchayat, there is no authorized and recognized typewriting institute, as such, the petitioner, by starting the typewriting institute can cater the needs of the area.

4. Mr Narwade then submitted that the petitioner along with the proposal submitted all the necessary documents, including the copy of depositing earnest amount of Rs.600/-. The petitioner also submitted the documents, such as, the list of furniture available with the institute, the list of proposed students, who are desirous of taking admission in the institute, the list of books, which are the basic books for typewriting institutes and the rent agreement, etc.

5. Learned Counsel for the petitioner then submitted that the meeting was conducted on 18th March, 2015 at the district level by the co-ordination Committee, considering the grievances of the various typewriting institutes. He then submitted that in the decision taken on 18th March, 2015, the Committee rejected proposals of various institutes including petitioner's institute. He then submitted that no copy of such rejection order is received by the petitioner but the petitioner came to know about the decision from some of the institute owners, who were similarly circumstanced.

6. Mr Narwade, learned Counsel for the petitioner then submitted that the State Government, by various communications, extended the period for running typewriting institutes and the last extension is referred to in the Government Circular dated 16th November, 2017. Our attention is invited to the said Circular. The said circular reads that the State of Maharashtra thought it fit to continue the training of typewriting skills alongwith computerized skill, till 30th November, 2019. It is further submitted that the State Government, on comparative analysis may take further decision. Mr Narwade submitted that even though the petitioner did not receive any communication of refusal or rejection of his proposal on the basis of information received by him, the petitioner on his own submitted proposal to the various Government authorities. It is submitted in the representation/proposal that the petitioner is complying with all the necessary formalities and he is desirous of starting typewriting institute.

7. Mr Narwade, learned Counsel for the petitioner then submitted that if the direction is issued to the competent authorities, namely, the Education Officer (Secondary), the Deputy Director of Education, Aurangabad and the Assistant Secretary of the State of Maharashtra of School Education and Sports Department to decide representation of the petitioner on merits, it would facilitate the petitioner to start the typewriting institute, in case his representation decided favourably, without loosing further time.

8. On the backdrop of the submissions of the learned Counsel for the petitioner, we have gone through the material placed on record. We find that the petitioner had submitted his proposal in the year 2015 itself and the documents are also placed on record to show that in the year 2015 itself, the petitioner deposited the amount of Rs.600/- on 11th March, 2015 in the Government Treasury. The petitioner also submitted list of furniture available with the institute and other infrastructural facilities, the list of the measures, namely, the typewriters also supplied and the rent agreement of the year 2015.

9. There is considerable merit in the submission of learned Counsel that while taking the decision of rejection of the proposals, the co-ordination Committee failed to consider these documents and a common order was passed, thereby rejecting the proposals of various institutes. Learned

Counsel for the petitioner was justified in submitting that the deficiencies, which were pointed out against the petitioner in the decision dated 18th March, 2015, there was already compliance of three conditions, namely, the rent agreement, the deposit of the amount and the certificate issued by the Grampanchayat, permitting the petitioner to start the institute.

10. Considering these aspects, we are of the opinion that the petition can be conveniently disposed of by issuing directions to the respondents-authorities, namely, respondent Nos.2 and 3 to decide the representation of the petitioner, as expeditiously as possible and not later than four weeks from the date of the order of this Court.

11. Needless to state that the authorities to decide the proposal on its own merits. With this exercise, the respondents-authorities are also not put to any prejudice and it will only meet the ends of justice.

Resultantly, the petition is disposed of with above directions.

(S. M. GAVHANE, J.) **(PRASANNA B. VARALE, J.)**

sjk