

(1)

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

WRIT PETITION NO.3740 OF 2018

The Pandhare Educational and
Research Trust, Vasarni,
Tq. & Dist. Nanded,
Through its Secretary

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai

2. The Director of Education
(Primary), Maharashtra State,
Pune

3. The Deputy Director of Education,
Latur Division, Latur

4. The Education Officer (Primary),
Zilla Parishad, Nanded,
Tal. and Dist. Nanded

..RESPONDENTS

Mr Pratap G. Rodge, Advocate for petitioner;
Mr A.S. Shinde, A.G.P. for respondents no.1 to 3;
Mr S.B. Pulkundwar, Advocate for respondent no.4

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

DATE : 16th July, 2018

ORAL ORDER:

(2)

Heard Mr Rodge, learned Counsel appearing on behalf of the petitioner.

2. A very limited controversy is raised in the petition and the relief sought for is also in the nature of direction to the authorities to consider the proposal of the petitioner which is pending before the authorities since long.

3. Considering the controversy and the prayer referred to above, we are of the opinion that the petition can be disposed of at the stage of admission itself.

4. Mr Rodge invited our attention to the documents placed on record. It was submitted that in the year 1982 the petitioner institute was granted permission to run English medium school for primary classes and in the year 1985 the petitioner institute was permitted to run the secondary classes for Vth to VIIth standards. Then it is submitted that in the year 2010, the petitioner institute submitted proposal for re-grant of permission to run primary English medium school at Wasarni, Taluka and District Nanded. Perusal of the documents placed on record shows that by way of an order dated 9th April, 1997 the Education authorities cancelled the permission granted in favour of the petitioner, finding various deficiencies including an objection that the petitioner institute was responsible for embezzlement of the amount granted to the petitioner institute for E.B.C. benefit to the

(3)

students. This amount was to the tune of Rs.11,871/- and Rs.7,821/-. These facts are referred to in the order dated 22nd December, 2010.

5. Mr Rodge, then by inviting our attention to the communication dated 20th September, 2011 submitted that the petitioner, during the period from 2008 to 2010 shifted the school from Vinayak Nagar, Nanded to Wasarni, Nanded and the petitioner institute also deposited the amount which was alleged to have been embezzled by it, with the State Government. Mr Rodge then submits that though the education authorities at the divisional level and the district level, namely, the Education Officer (Primary), Divisional Deputy Director of Education of Latur Division referred to the proposal submitted by the petitioner institute seeking re-grant to the petitioner school for running primary classes. The proposal was pending before the authorities for considerable long period. Mr Rodge invited our attention to the communication dated 9th April, 2014 submitted by Block Education Officer, Zilla Parishad to the Education Officer (Primary), Zilla Parishad, Nanded informing that in his personal visit to the school of the petitioner institute at Wasarani, he found that there was necessary infrastructure available and the petitioner was complying with the requisite conditions and as there is no other English medium school in the nearby premises, the petitioner's proposal be allowed for re-grant. Then there was a positive recommendation and the communication was forwarded by the Block Education Officer again on 2nd June, 2014. Then our attention was invited

(4)

to various representations and reminders to the authorities like the Principal Secretary, School Education Department of the State of Maharashtra as well as the Divisional Deputy Director of Education, Latur and lastly to the Director of Education, Education Directorate, Maharashtra State, Pune, dated 8th March, 2017. The communication dated 8th March, 2017, i.e. representation forwarded to the Director of Education shows that there is a reference made to the positive recommendations by Block Education Officer and Education Officer (Primary).

6. As the only grievance of the petitioner is, that the proposal is pending before the Director of Education since 8th March, 2017, the direction be issued to the competent authority i.e. the Director of Education to decide the proposal as early as possible.

7. In the result, petition is disposed of with direction to respondents no.1 and 2 to decide the proposal of the petitioner as expeditiously as possible and not later than ten weeks from the date of the order of this Court. Such an exercise would meet the ends of justice and would cause no prejudice to the respondents-authorities. Thus, the petition stands disposed of in view of above directions.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

amj