

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

WRIT PETITION NO. 5224 OF 2018

**THE PRESIDENT ANILKUMAR VIRBHAN PAWAR MATOSHRI
PANNAISEVABHAVI SHIKSHAN SANSTHA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. P.G. Rodge, Advocate for the petitioner
Mr. C.S. Kulkarni, AGP for the respondent/State

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

DATED : 09.08.2018

P.C. :-

Heard Mr. P.G.Rodge, learned counsel appearing for the petitioner. At the outset the learned counsel orally prays for amendment in the petition. He submits that inadvertently reference is made to respondent No.1 as "The Secretary Social Justice and Special Assistant Department, Mantralaya" and the appropriate and competent authority would be "The Secretary VJ-NT, OBC, SBC Welfare Department, Mantralaya, Mumbai".

2. The oral prayer is allowed. The amendment be carried out forthwith.

3. The learned counsel Mr. Rodge invited our attention to the order passed by the Hon'ble Minister on 03.07.2012. It is submitted that the school i.e. a Primary Ashram School being run by an institute, namely, Adarsha Andhajan Shikshan Santsha, Sakol, Latur was closed down and the recognition granted to the said

school was canceled under the orders of the Secretary dated 02.04.2012. Being aggrieved by the said order the institute preferred the appeal. The Hon'ble Minister could not find any favour with the appellant and resultantly the appeal was dismissed maintaining the order dated 02.04.2012. The Hon'ble Minister by clause (B) of the order directed to respondent No. 2 to submit proposal to the State Government for transfer of the said school to any other competent institute. The learned counsel then submitted that the petitioner-institute was desirous and was interested in running the school, as such, approached the State Government for seeking permission to run the school, by transferring the said school to the petitioner-institute. The learned counsel invited our attention to various representations and the documents placed on record to support of his submissions. The learned counsel then submitted that the Regional Deputy Commissioner of Social Welfare Department, Latur submitted proposal to respondent No.2. The said communication dated 28.01.2018 refers to the proposal received by the office of the Regional Deputy Commissioner of the Social Welfare Department, Latur and the documents annexed to the proposal. The learned counsel Mr. Rodge submitted that all the necessary and requisite documents were placed on record to show the economical viability of the institute and the availability of the infrastructure facilities. Mr. Rodge submits that the proposal is pending since January, 2018 and till date no decision is taken. The authorities are sitting idle on the proposal, is the submission of learned counsel Mr Rodge. Learned counsel Mr. Rodge

thus, prays for directions to respondent No.1 who is the competent authority to take decision on the proposal received by respondent No.2 which is forwarded by respondent No.3 by communication dated 28/25.01.2018. As the petitioner is only raising the grievance that insptie of proposal submitted to the competent authority, no decision is taken.

4. In our opinion the petition can be disposed of by issuing directions to respondent No.1 to decide the proposal as early as possible, if it is forwarded from respondent No.2 to respondent No.1. If respondent No.2 till date has not forwarded the proposal to respondent No.1, respondent No.2 to forward the proposal immediately to respondent No.1 within two weeks from today. The respondent No.1 to decide the proposal within 10 (ten) weeks from the order of this Court on its own merits. We further make it clear that if the proposal is is granted or allowed favourable to the petitioner, the petitioner to start the school only from academic year 2019-2020.

5. With the above directions the Writ Petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]