

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

**WRIT PETITION NO. 5063 OF 2018
THEPADE CHANDAK GLOBAL EDUCATION FOUNDATION THROUGH ITS
CHAIRMAN KEDAR PANDHARINATH THEPADE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.A.G. Talhar, Advocate for the petitioners.
Mr.A.S. Shinde, AGP for respondent/State.
Mr.H.P. Deshmukh, Advocate for respondent No.4.

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

DATED : 03.07.2018

P.C. :-

1. Heard Mr.Talhar, learned Counsel appearing for the petitioner. petitioner No.1 is an institute running petitioner Nos.2 and 3 – Schools at the places, namely, Kasoda, Tq. Erandol and Paldhi, Tq. Dharangaon of Dist. Jalgaon. The limited controversy in the petition is revolving around the delay in decision by the respondent/State and more particularly respondent No.1 – Principal Secretary, School Education Department, Mantralaya, Mumbai. Mr.Talhar, learned Counsel invited our attention to the various documents placed on record. Petitioner No.1 institute is duly registered with the

Competent Authority like the Charity Commissioner's Office at Jalgaon. The petitioner society submitted its proposal in the year 2015-16 as there were certain deficiencies. The education authority directed the petitioner society to remove these deficiencies and submit fresh proposal. Accordingly, fresh proposal by removing deficiencies is also submitted to the education authority. It may not be necessary for us to go into other details, as we have referred to the limited controversy involved in the petition.

2. Our attention is invited to the communication dated 10.10.2017. By the said communication, the Education Officer (Primary), Zilla Parishad, Jalgaon forwarded proposal of the petitioner/society to the Dy. Director of Education, Nashik Division, Nashik. The Dy. Director of Education, Nashik Division, Nashik then forwarded the proposal to the Director of Education (Secondary and Higher Secondary), Directorate of Education, Maharashtra State, Pune. The communication

dated 10.03.2018 placed on record at Exh. "F" shows that the Dy. Director found that the necessary compliance is made by the petitioner institute. The proposal is submitted along with all the necessary documents like registration certificate, deposit of amount and the challan copy to show the financial position of the institute. As such, the Dy. Director with his recommendation forwarded the proposal to the Director of Education. The Director of Education then submitted the proposal to the State of Maharashtra and more particularly respondent No.1 i.e. Principal Secretary of Education Department on 07.04.2018.

3. The only grievance of the petitioner is that though the petitioner society is having all the infrastructure and is complying all necessary formalities, the proposal is pending with the State Government and no decision is yet taken. In submission of Mr. Talhar, learned Counsel for the petitioner, the delay in decision would cause some prejudice to the

petitioner the it would delay the whole process of admission of the students in the institute. According to learned Counsel Mr. Talhar, the school is already started by the petitioner institute. It is only awaiting necessary approval of the State Government.

4. Be that as it may. Considering this limited controversy, we are of the opinion that the petition can be disposed of at the admission stage itself by issuing directions to the respondent/State and more particularly respondent No.1 i.e. The Secretary of School Education Department, Mantralaya, Mumbai to decide the proposal received by him as expeditiously as possible and not later than three weeks from the date of the order passed by this Court. The writ petition is disposed of with above directions.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]