

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6842 OF 2016

Shivshakti Shikshan Prasarak Mandal,
Through its Secretary and another .. **Petitioners**
Versus
The State of Maharashtra and others .. **Respondents**

Mr. Manoj D. Shinde, Advocate for the Petitioners.
Mr. V. S. Badakh, A.G.P. for Respondents.

CORAM: S. V. GANGAPURWALA &
R. G. AVACHAT, JJ.

DATE: 21st November, 2018

PER COURT :

1. Mr. Shinde, learned counsel for the petitioners submits that proposal was forwarded for sanction of second division of the 10th standard for the academic year 2002 – 2003. The proposal was also recommended by the Education Officer to the Deputy Director of Education *inter alia* to the Director of Education. Even the proposal was referred to the State Government, but no decision was taken and under order dated 30.10.2012 permission was granted for the second division of 10th standard for the academic year 2012-2013, that too on unaided basis. The proposal

of the petitioner for grant of sanction from the year 2002-2003 had not at all considered.

2. The learned Assistant Government Pleader submits that as per the policy, order dated 30.10.2012 is passed granting permission for the second division of the 10th standard for the year 2012-2013 on unaided basis.

3. It appears that the petitioner has applied for second division of the 10th standard for the academic year 2002-2003 onwards on account of increase in the strength of students.

4. The Education Officer considered the proposal and recommended to grant additional division for the 10th standard from the academic year 2003-2004. The proposal was also thereafter recommended by the Deputy Director of Education to the Director of Education on 11.06.2007. On 22.06.2007 Deputy Director of Education further recommended the proposal to the Secretary, School Education and Sports Department, Mantralaya, Mumbai. Under the

impugned order permission is granted to the second division of the 10th standard for the academic year 2012-2013.

5. There is nothing on record to suggest the reason for not granting permission to the petitioner of the second division from the academic year 2003-2004 as recommended by the Education Officer and Deputy Director of Education.

6. The respondent – State, shall take decision with regard to the grant of additional division for the 10th standard to the petitioner – Institution since the academic year 2003-2004 on its own merits, in accordance with law as was prevailing then, expeditiously and preferably within a period of six (6) months from today.

7. The writ petition is disposed of. No costs.

[R. G. AVACHAT, J.] [S. V. GANGAPURWALA, J.]

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