

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

WRIT PETITION NO. 7809 OF 2018

Mansing Naik Primary School, Saikheda, .. Petitioner
Tq. Sonpeth, Dist. Parbhani
Through its Secretary

Versus

The State of Maharashtra & Ors. .. Respondents

Mr.D.B. Pawar, Advocate for the petitioner.
Mr.C.S. Kulkarni, AGP for respondent/State.

**CORAM : PRASANNA B.VARALE &
S.M.GAVHANE, JJ.
DATED : 30.07.2018**

P.C. :-

1. Heard learned Counsel for the petitioner. While issuing notice vide order dated 16.07.2018, this Court referred to the statement of learned Counsel for the petitioner. The only grievance raised by the petitioner is that the petitioner is running various schools and

colleges. By communication dated 23.07.2017, the petitioner-institute was informed to admit 50 students for standards 1 and 2 for the academic year 2017-18. The petitioner himself placed on record a Government Resolution dated 18.05.2018. Perusal of the said GR shows that though the State Government directed certain English medium schools to admit the students belonging to scheduled classes, it reveals that the selection of such class was not on quality based criteria. The State Government was of the opinion that there is a need of selecting such class on quality base and accordingly certain pre-requisite compliances were set out. It may not be necessary to refer to other details. Suffice it to say that the object of the State Government was laudable. The other document placed on record by the petitioner shows that the GR dated 05.07.2018 was also issued and it refers that an exercise of selecting the schools was undertaken and various schools/institutes were permitted to admit the students whereas in certain schools/institutes where the institutes failed to comply

the pre-requisite criteria, it was decided to cancel the admission of the students granted to such schools and the students who were admitted in these schools were directed to be accommodated in the other schools.

2. The petitioner challenges the communication dated 29.06.2018. By way of this communication it is informed that the approval/recognition granted to three schools for admitting the students and these schools are Mansing Naik Primary School, Saikheda, Tal. Sonpeth, Dist. Parbhani (present petitioner), Shantiniketan Public School, Nanded, Bhivrai English Medium School, Latur and Sunrise English Medium School, Lohara, Dist. Yeotmal. It is also informed by way of the communication that the Project Officer to take appropriate steps immediately to accommodate those students, who were admitted in these schools in the other schools and report be immediately submitted to the Office of Additional Commissioner, Tribal Development, Amravati.

3. The only grievance raised by the petitioner is, while passing the order of cancellation, the State Government failed to offer an opportunity of hearing to the petitioner-institute. The submission is while admitting the students to the petitioner-institute, the State Government admitted these students on the ground that the petitioner-institute is one of the reputed institutes. As such, the petitioner institute ought to have been granted an opportunity of hearing so as to satisfy the authorities in assessment of the petitioner-institute on the aspect of availability of teaching staff, infrastructural facilities etc. Thus, the submission is, without granting such opportunity to the petitioner, order is passed by the State Government and the same is in breach of principle of natural justice, as such, is unsustainable. Though notice was issued by this Court to the respondent authorities on 16.07.2018, none of the respondent filed any reply to the petition.

4. Considering the limited grievance raised by the

petitioner, we direct respondent Nos.2 and 3 to take decision of cancellation of the petitioner-institute afresh by giving an opportunity of hearing to the petitioner. Such exercise be undertaken and be completed within a period of six weeks from today. Respondent No.3 to issue notice to the petitioner-institute within two weeks. The petitioner to submit an application to respondent Nos.2 and 3 for grant of audience by way of personal hearing, if so advised. Respondent Nos. 2 and 3 to consider that application on merit and pass appropriate orders within one week. After receipt of such application, respondent authority Nos.2 and 3 to take decision afresh within six weeks in any event. The communication dated 23.07.2017 is accordingly quashed and set aside. We further make it clear that even though we have quashed and set aside the communication dated 23.07.2017, we have not permitted the petitioner institute to continue with the admission of those 50 students granted to the petitioner-institute earlier, in view of the fact that by communication dated 23.07.2017

the Additional Commissioner directed the Project Officer to accommodate these 50 students in other schools.

5. The writ petition is accordingly disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]