

(1)

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

WRIT PETITION NO. 8485 OF 2017

Beed Jilha Us-Tod Kamgar
Vikas Mandal, Dharur Road,
Kaij, District Beed,
through its President
Uddhav s/o Manikrao Karad,
Age: 40 years, Occu: Service,
R/o Sane Guruji Ashram School,
Kaij, Tq. Kaij, District Beed ..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Principal Secretary,
Social Justice & Special
Assistance Deptt., Mantralaya,
Mumbai - 400 032
2. The Director,
V.J.N.T., O.B.C. & Special
Backward Class Welfare Department,
Maharashtra State, Pune
3. The Divisional Deputy Director,
Social Welfare Department,
Aurangabad
4. The Assistant Commissioner,
Social Welfare Department,
Beed, District Beed ..RESPONDENTS

Mr Sachin S. Deshmukh, Advocate for petitioner;
Mr R.B. Bagul, A.G.P. for respondents

**CORAM : PRASANNA B. VARALE &
S. M. GAVHANE, JJ.
DATE : 31st JULY, 2018**

ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. The petitioner is an institute by name Beed Jilha Us-Tod Kamgar Vikas Mandal, Dharur Road, Kaij, District Beed. Mr. Deshmukh, learned Counsel appearing for the petitioner submitted that the petition was filed by the petitioner institute on 29th June, 2017 with a prayer in the nature of directions to the respondents-authorities to accord approval to the petitioner institute so as to commence 11th and 12th Standard for wards of sugarcane harvesters forthwith i.e. from the academic year 2017-2018.

3. Mr. Deshmukh, learned Counsel appearing for the petitioner, by inviting our attention to the order of this Court dated 21st August, 2017, submitted that notice was issued by this Court and respondents-authorities were permitted to file their reply within stipulated period of four weeks

(3)

at the request of learned A.G.P. He then by inviting our attention to the documents placed on record submitted that the petitioner institute forwarded proposal to the competent authority on 3rd March, 2017. Respondent No.4 Assistant Commissioner of Social Welfare Department, Beed, by way of communication dated 25th March, 2017 informed the Director i.e. respondent No.2 that proposal is received from the petitioner institute for permission. It is also stated in the communication that as per directions of the State Government, inspection and visit was carried out in these schools namely school being run by the petitioner and other school namely Shri. Nagnath Nivasi Madhyamik Vidyalaya, Parali.

4. The above referred communication dated 25th March, 2017 also refers to the report submitted by the Inspection Committee. The copy of the said report is also placed on record. The report is under the signature of three authorities namely Social Welfare Officer, Group B, Assistant Commissioner, Social Welfare, Beed and Social

(4)

Welfare Inspector. Insofar as the report is concerned, if same is perused, it reveals that the petitioner institute is having sufficient space. It also reveals that the petitioner institute is having library with adequate number of books. Then it also refers to availability of laboratories and basic facilities for students who would be admitted in the institute as resident students. The report shows that the institute is having all the infrastructural facilities.

5. The other material shows that there is nothing adverse against the institute in the nature of lodgment of any criminal proceedings. The list of students admitted by the petitioner institute in the school for 11th Standard is also placed on record. There are also certain representations submitted by the students to the head master of the school. Perusal of these representations show that the students submitted that they have completed their academic course for 7th to 10th Standard in the school run by the petitioner institute and if further opportunity to continue for academic course

(5)

in 11th Standard is not made available, the students would left with no choice but to leave their education midway.

6. Learned A.G.P. appearing for the respondents pray some time. Learned A.G.P., on instructions, submitted that recently school being run by the petitioner institute was subjected to inspection and the inspection report is submitted to the competent authority. By way of communication dated 11th July, 2017 it is informed to learned A.G.P. that it may take some time to take necessary decision. It is then stated that this being a policy decision, the State Government may require two months period to take appropriate decision. Learned A.G.P. prays time to file reply in view of these instructions.

7. Considering the submissions of Mr. Deshmukh, learned Counsel appearing for the petitioner and considering material placed on record, we are of the opinion that the petition can be disposed of by giving directions to the

(6)

respondents-authorities and waiting for reply to be filed on behalf of the State Government would serve no fruitful purpose except keeping the petition pending in this Court for no justifiable reasons.

8. In view of the material placed on record, the facts emerge are, the petitioner institute submitted proposal in the year 2017. The petitioner institute's proposal was forwarded to the Director i.e. respondent No.2 with positive recommendation of respondent No. 4 by way of communication dated 25th March, 2017. The school being run by the petitioner institute was subjected to inspection and the report states that the petitioner institute is complying with all the requisite conditions. As stated by learned A.G.P., the school run by the petitioner institute was again subjected to a fresh inspection and the inspection report is also submitted to the competent authority. One cannot lose sight of the fact that the petitioner institute is running a school for wards of sugarcane harvesters or sugarcane cutting labours. It is known fact that

(7)

large number of such sugar cane labourers travelled from one place to another to earn their livelihood and the State Government with an object to provide academic facilities to the wards of such persons itself took initiative, if the institute is desirous to afford opportunity of education to the wards of sugarcane harvesters and inordinate delay in decision on the proposal would only frustrate the object.

9. Considering all these facts, we direct respondent Nos. 1 and 2 to decide the proposal submitted by the petitioner institute as expeditiously as possible and not later than six weeks from the date of order of this Court. Needless to state that the proposal be considered on its own merits as well as material which is recently available with respondents-authorities in the form of inspection being carried out recently. As we are directing the respondents-authorities to decide the proposal on its own merits, such exercise would certainly not cause prejudice to the respondents-authorities. We further make it clear

(8)

that if the State Government decides proposal in favour of the petitioner institute, the petitioner institute to permit the students or admit the students only from the academic year 2019-2020.

10. With these directions, the petition is disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

Tupe