

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

WRIT PETITION NO.7814 OF 2016

Sumitra Typewriting Institute
Vaibazar, Tq. Mahur, Dist. Nanded
Through its Director
Gajanan s/o. Ambadas Shinde,
Age: 35 years, Occ. Business,
R/o. Vaibazar, Tq. Mahur,
Dist. Nanded.

PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Secretary,
Higher and Technical Education,
Department, Mantralaya,
Mumbai-32.
2. The Deputy Director of Education,
Nanded Region, Nanded.
Tq. & Dist. Nanded.
3. The Education Officer [Secondary],
Zilla Parishad, Nanded,
Tq. & Dist. Nanded.

RESPONDENTS

...

Mr.V.D.Gunale, Advocate for the petitioner
Mr.C.S.Kulkarni, AGP for the Respondent/State

...

**CORAM: S.S.SHINDE &
S.M.GAVHANE, JJ.**

Reserved on : 25.01.2018
Pronounced on : 31.01.2018

ORDER: (Per S.S.Shinde, J.):

1] This Petition is filed with the following prayer:

C) By issuing writ of certiorari or any other appropriate writ, order or directions, the impugned order dated 16.12.2015 passed by respondent No.2 be quashed and/or set aside and consequently grant permission to the petitioner to open and run the typewriting institute as per proposal dated 16.02.2015 submitted by the petitioner for that purpose necessary directions be issued.

2] Learned counsel appearing for the petitioner submits that, respondent no.2 has taken a hyper-technical view, and rejected the proposal submitted by the petitioner to open typewriting institute, on the ground that challan was not deposited, and the

proposal was delayed, and directly submitted the same before the Divisional Committee. It is submitted that, the petitioner wanted to start typewriting institute in Naxalite affected area. The petitioner is an unemployed, and for survival to do some work; he has submitted proposal to open new typewriting institute where the place typewriting is proposed in the naxalite affected area, and *secondly*, there is no any other typewriting institute at the said place. Therefore, learned counsel appearing for the petitioner submits that, the petition may be allowed.

3] Respondent no.2 has filed affidavit in reply. Learned AGP appearing for the respondent-State relying upon the said affidavit in reply submits that, proposal submitted by the petitioner was not accompanied by a challan of Rs.600/-, required for the purpose of processing the

same. In view of the Rule 2.1 of the Maharashtra Institute of Commerce Education [Typing, Shorthand and Diploma Courses] Recognition and Conduct Rules, 1991, [for short 'Rules of 1991'] mandates of depositing of such amount, and the proposal to open new typewriting institute shall be accompanied with the challan. Instead of applying to the Committee formed by the respondents, the petitioner directly applied to the Commissioner.

4] We have considered the submissions of the learned counsel appearing for the petitioner, and learned AGP appearing for the respondent-State. We have carefully perused the pleadings, grounds taken therein, and annexures thereto, and the reply filed by respondent no.2. It appears that, none of the proposal was considered by the respondents which was without annexing a challan with the proposal. *Secondly*, the proposal has to be

submitted within prescribed period, and it has to be placed firstly before the Committee and after scrutiny of such proposal in the meeting of such Committee; the same has to be placed before the Divisional Committee for further consideration. It appears that, various proposals were considered. We do not find *mala fide* or arbitrary exercise of the powers, while rejecting the proposal of the petitioner by respondent no.2.

5] In that view of the matter, no mandatory directions can be issued to the respondents for the relief as prayed by the petitioner. However, in case there is need of typewriting institute at Vaibazar, Taluka Mahur, District Nanded, and to that effect if proposals are invited by the respondents in future, the petitioner's proposal may be considered sympathetically, keeping in view that the petitioner is unemployed, and such typewriting institute is necessary in the

naxalite affected area, to cater the need of
citizens residing in the said area.

6] With above observations, the Writ
Petition stands disposed of.

[S . M . GAVHANE]
JUDGE

[S . S . SHINDE]
JUDGE

DDC