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

WRIT PETITION NO. 9002 OF 2018

Nagrik Shikshan Mandal, Tamaswadi,
Tq. Parola, Dist. Jalgaon,
Through its President
Dr. Satish Bhaskarrao Patil,
Age: 65 years, Occ: Agri.,
r/o. Parola, Tq. Parola, Dist. Jalgaon.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary
School Education Department,
Mantralaya, Mumbai-32.
2. The Director of Education,
Central Building, Pune.
3. The Deputy Director of Education,
Nashik Division, Nashik.
4. The Education Officer (Secondary)
Zilla Parishad, Jalgaon, Dist. Jalgaon.

..RESPONDENTS

Mr Vinod P. Patil, Advocate for petitioner;
Mr S.S. Dande, A.G.P. for respondents

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

DATE : 6th August, 2018

ORAL ORDER:

Heard learned Counsel appearing on behalf of the parties.

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2. Considering the very limited grievance raised by the petitioner in the present petition, we are of the opinion that the petition can be disposed of at the admission stage itself.

3. Our attention was invited on certain documents placed on record to state the grievance of the petitioner. The petitioner is an education institute and was desirous of opening a secondary school at place Parola, District Jalgaon. Learned Counsel submitted that such a request was firstly submitted in the year 2013 and no decision was taken on the proposal. Then the Counsel invited our attention to a document placed on record at page 10. This is a recommendatory letter of one of the Representatives of People to the Honourable Education Minister, requesting to take appropriate decision for grant of permission to open secondary school to the petitioner institute as a special case. In view of the letter of the Representative of People, the Additional Secretary of the State Government forwarded a communication dated 10th August, 2016 to the Director of Education. It was communicated to the Director to consider the proposal in view of the various Government Circulars, etc. and the same be forwarded to the State Government with self-speaking opinion of the Director of Education.

4. Learned Counsel then submitted that as the issue invited the attention of various Representatives of People, the same was also taken up on the floor of the assembly. It may not be necessary for us to refer to that relevant

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material. The document placed at Exh.B is a communication dated 20th September, 2016 forwarded by the Director of Education, Secondary and Higher Secondary to the Additional Secretary, School Education and Sports Department of the State of Maharashtra. It is stated in the said communication that the proposals are received and the proposal of the petitioner institute is also one of such proposals praying for opening of a new school. It is also stated in the communication that the petitioner institute is the solitary institute staking its claim for the said place Hirapur. It is also stated that the district level committee granted 10 points to the proposal of the petitioner institute and considering the merits of the proposal, the petitioner institute is at Sr. No.1 in the merit list of the institutes. Thus, it was the submission of the learned Counsel that there is a very positive recommendation from the Director of Education which reflects in communication dated 20th September, 2016 and in spite of repeated requests to the authorities time and again, no decision is taken by the authorities and the proposal is pending with the authorities.

5. Learned Counsel submitted that the authorities and more particularly respondent no.1 is sitting idle on the proposal and an inordinate delay in decision would cause some prejudice to the petitioner institute, namely if there is delay in decision, the petitioner institute may lose an opportunity to open the school at the earliest and thereby not only the institute but desirous students may also suffer.

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6. Considering the submissions of the learned Counsel and having regard to the nature of the grievance on the backdrop of the material placed on record which we have referred to in the earlier part of our order, we are of the opinion that the petition can be disposed of by issuing directions to respondent no.1 to take a decision on the proposal of the petitioner institute at the earliest and not later than twelve weeks from today, if such a decision is not taken as yet by respondent no.1. We, however, make it clear that if a positive decision is taken by respondent no.1, the petitioner would permit the students and will operate the school only from the academic year 2019-20.

With aforesaid directions, writ petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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