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

WRIT PETITION NO.9392 OF 2018

Local Education Society,
Dongaon (Kh) Taluka Biloli,
District Nanded,
Through its Secretary
Mr Babanrao M. Vanshetee,
Age: 75 years, Occ: Agri,
R/o. Dongaon, Taluka Biloli,
District Nanded.

..PETITIONER

VERSUS

1. The State of Maharashtra
Through its Secretary,
Department of Social Justice,
Mantralaya, Mumbai.
2. The Commissioner,
Social Justice, Maharashtra State,
Pune.
3. The District Social Welfare
Officer, Zilla Parishad,
Nanded, Dist. Nanded.
4. Zilla Parishad, Nanded
Through its Chief Executive
Officer.

..RESPONDENTS

Mr B.L. Sagar Killarikar, Advocate for petitioner;
Mr S.M. Ganachari, A.G.P. for respondent/State;

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

DATE : 14th AUGUST, 2018

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ORAL ORDER :

Heard Mr. Killarikar, learned Counsel appearing for the petitioner.

2. The petitioner is institute and by way of present petition, prays for directions to respondent Nos. 2 to 4 to take appropriate decision for permission to restart boys hostel at village Dongaon, Taluka Biloli, District Nanded and release/pay the necessary grants in accordance with law within stipulated period.

3. Mr. Killarikar, learned Counsel appearing for the petitioner invited our attention to the certain documents placed on record. It is submitted that the petition institute was running hostel attached to the secondary school. He then submitted that as there was certain differences between two groups in the management, same resulted in initiation of the proceedings. The authorities on the backdrop of dispute in the management

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thought it fit to appoint an administrator on the hostel to protect the interest of the students. Our attention is invited to the communication placed on record at Exhibit-A.

4. Perusal of the above referred communication show that by order dated 8th July, 2011 the administrator was appointed for a period of year 2010-11. The Additional Chief Executive Officer, Zilla Parishad, Nanded on 8th July, 2011 further states that recognition granted to the hostel is cancelled and then further directs that the students who were admitted in the hostel of the petitioner institute be accommodated in another nearby hostel so as to prevent their academic loss. It seems that Director of Social Welfare communicated that 24 students who were admitted in the petitioner's hostel be accommodated in other hostel namely Vidyaniketan Magasvargiya Mulanche vastigrah, Biloli, District Nanded. Mr. Killarikar, learned Counsel invited our attention to the copy of affidavit placed on record. He then submitted

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that two groups have settled the dispute amicably. It is stated in the affidavit that the dispute was due to some misunderstanding. In view of settlement of the dispute, the institute approached the competent authority namely Chief Executive Officer and requested the Chief Executive Officer to regrant permission to the petitioner institute to run the hotel.

5. Our attention is invited to the communication dated 8th February, 2016 placed on record at Exhibit-C by learned Counsel for the petitioner and submitted that exercise of hearing was also undertaken by the authorities. The District Social Welfare Officer, Zilla Parishad, Nanded as well as Additional Chief Executive Officer, Zilla Parishad, Nanded gave positive recommendation in favour of the institute and submitted with recommendation for appropriate approval and order to Commissioner of Social Welfare Officer. He submits that since then proposal is pending before the Commissioner.

6. Mr. Killarikar, learned Counsel invited our attention to the representation submitted by the petitioner on 5th March, 2018 and 6th June, 2018. He invited our attention to the documents placed on record dated 9th July, 2018. He submits that this a statement showing the number of students available with the petitioner institute who can be accommodated in the hostel and these are the students who are attending the classes taking a journey of 3 kms. It is the submission of Mr. Killarikar that if these students are accommodated in the hostel, it would facilitate the students to prosecute their students in an effective way. Perusal of the statement show that there are as many as 283 students taking education in various classes from 5th standard to 10th standard. Perusal of the statement further shows that out of 283 students, there is a considerable number of these students belonging to S.C., S.T., N.T., and O.B.C. category.

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7. It is also not in dispute that this hostel facility is made available in rural and local area and there is considerable merit in the submission of learned Counsel appearing for the petitioner that if such hostel facility is made available to the students, it would facilitate the students to prosecute their studies in an effective way.

8. Considering all these aspects, we are of the opinion that the petition can be disposed of by issuing directions to respondent No.2 to decide the proposal received by him with positive recommendations on 8th February, 2016 as expeditiously as possible and not later than eight weeks from the date of order of this Court. Needless to state that respondent No.2 to take decision on the merits of the proposal. Respondent No.2 may also grant opportunity of hearing to the petitioner institute if so requested by the petitioner institute. We further make it clear that if respondent No.2 grants permission to the petitioner institute to admit the students in the

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hostel, the petitioner institute to admit the students in the hostel from the academic year 2019-2020.

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

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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