

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

WRIT PETITION NO. 12504 OF 2015

Renuka Bahu Uddeshiya Sevabhavi
Sanstha Through its Secretary
Bappasaheb Atmaram Hakale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Milind K. Deshpande, Advocate for the Petitioner.
Shri S. B. Joshi, A.G.P. for Respondent Nos. 1 to 3.
Shri V. M. Chate, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 05TH DECEMBER, 2018.

FINAL ORDER :

. Mr. Deshpande, the learned counsel for the petitioner submits that, the proposal of the petitioner for starting Marathi Medium Secondary school has been negatived without passing a reasoned order. The learned counsel submits that, the petitioner had submitted proposal complete in all respects without any lacuna. According to the learned counsel, the petitioner fulfills all the parameters laid down under the Government Resolution dated 05.12.2012 as well as the provisions of the Maharashtra Self Financed School (Establishment and Regulation) Act, 2012.

The rejection of the proposal is per-se illegal and bad in law. The proposal in fact was recommended by the authorities. The Government could not have negatived the same. According to the learned counsel, the procedure adopted by the respondents of giving marks is deprecated by this Court and said procedure has been set aside, still the respondents have adverted to the procedure of allotting marks. The same is also not properly complied. At the relevant time, there was no criteria of master plan.

02. Mr. Joshi, the learned Assistant Government Pleader supports the order and submits that, the petitioner was given ample opportunity for rectification of defects. The defects were communicated as per letter dated 08.07.2013. The petitioner failed to rectify the deficiencies. The proposal came to be rejected. There was no permanent place standing in the name of the petitioner. The registered lease for 30 years was not there and no arrangement was made for fixed deposit.

03. Mr. Chate, the learned counsel for the respondent No. 4 also adopts the arguments of the learned Assistant Government Pleader.

04. The affidavit is filed by the State to the effect that, three other societies along with the petitioner had applied. Proposals

of three other societies were more meritorious than the petitioner. They were given more marks. However, due to change in the policy none of the society was granted permission. The affidavit shows that, the petitioner was directed to rectify the defects and the same were not rectified. This Court would not sit in an appeal over the decision of the authority.

05. In the light of the above, no case for interference is made out. The writ petition is disposed of. No costs.

06. However, if the petitioner desires to start the secondary school of Marathi medium on self finance basis, then the petitioner may file an application with the authorities and the proposal which is submitted by the petitioner shall be considered on self finance basis and shall be decided within a period of six (06) months from the date of application given by the petitioner. Same be considered as per the policy applicable.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]