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

WRIT PETITION NO. 4750 OF 2018

1. National Education and
Charitable Society, Ausa,
Tq. Ausa, Dist. Latur
Through its Secretary
Laikoddin Mohamad Mujobokhan,
Age: 50 years, Occ: Service,
 2. Jaheda Begum Urdu Primary
School, Lamjana, Tq. Ausa,
Dist. Latur
Through its Headmaster
Sayyad Hina Kausar,
Age: 30 years, Occ: Service,
Both R/o. Lamjana, Tq. Ausa,
Dist. Latur.
- ..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through its Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai-32.
 2. The Director of Education,
Primary, Maharashtra State,
Pune.
 3. The Deputy Director of Education,
Latur Region, Latur.
 4. The Education Officer (Primary)
Zilla Parishad, Latur,
Dist. Latur.
- ..RESPONDENTS

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Mr U.G. Kodale, Advocate h/f Mr V.D. Gunale,
Advocate for petitioners;
Mr S.S. Dande, A.G.P. for respondents

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

DATE : 10th AUGUST, 2018

ORAL ORDER :

Heard Mr. Kodale, learned Counsel holding for Mr. Gunale, learned Counsel appearing for the petitioners. He submitted that the limited grievance is raised in the petition. He invited our attention to the documents placed on record. By inviting our attention to the documents placed on record at Exhibit-A collectively, learned Counsel appearing for the petitioners submitted that the petitioner institute was permitted to run a school in Urdu medium, for running 1st standard class and name of the petitioner institute appears at Serial No.12. He then invited our attention to the communication dated 26th December, 2013 whereby the petitioner institute was granted permission to run classes for standard 1st, 2nd, 3rd and 4th on non grant basis subject to comply certain conditions.

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2. Learned Counsel appearing for the petitioners submitted that the petitioner institute was permitted to run class of 5th standard in 2014-2015. The petitioner institute was desirous to start classes of 6th and 7th standard by way of natural growth and was approaching the State Government. Our attention was invited to the communication between head master and Education Officer (Primary). It is submitted that proposal was accordingly submitted to the Education Officer, copy of which is at Exhibit-C and the communication is dated 25th July, 2017. He then submitted that by communication dated 25th July, 2017 the Education Officer (Primary) informed the head master that in view of Government Resolution dated 28th August, 2015 the petitioner cannot be permitted to run classes for 6th and 7th standard.

3. Learned Counsel appearing for the petitioner institute invited our attention to the latest Government Resolution dated 10th March,

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2016. The submission is, policy of the State Government has undergone a change and by Government Resolution dated 10th March, 2016 the State Government resolved to permit the institutions either private institutions or local bodies to grant permission to run classes for 6th and 7th standard subject to certain conditions. The said decision is at page-21 of the petition. Learned Counsel then submitted that the petitioner institute is ready to comply with conditions. The proposal be considered in view of the Government Resolution dated 10th March, 2016 without raising a rider of Government Resolution dated 28th August, 2015.

4. In view of the submissions of learned Counsel appearing for the petitioners and perusal of the documents placed on record, we are of the opinion that the petitioners have made out a case for certain directions to the respondents authorities. As such, we are of the opinion that the petition can be disposed of at the stage of

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admission by directing the respondents to decide the proposal of the petitioners afresh in view of the Government Resolution dated 10th March, 2016 on its own merits. Above said exercise be undertaken at the earliest and the State Government to pass appropriate orders within twelve (12) weeks from the date of order of this Court. We further make it clear that if the State Government takes positive decision in the case of petitioner institute, the petitioner institute would be permitted to run classes only from the next academic year i.e. 2019-2020.

5. The petition is disposed of accordingly with above directions.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE

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