

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

WRIT PETITION NO. 14591 OF 2017

Uttam Mariba Sonkamble

.. Petitioner

Versus

The State of Maharashtra and ors.

.. Respondents

Mr A.N. Sabnis, Advocate for petitioner

Mr K.N. Lokhande, AGP for respondents no.1 to 3

Mr B.A. Shinde, Advocate for respondent no.4

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 23rd February 2018

PER COURT

1. Mr Sabnis, learned Advocate for petitioner submits that the petitioner had submitted proposal for re-recognition. This Court, under order dated 3.11.2014 in Writ Petition No.7184 of 2013 had directed the respondent no.1 therein to consider the report and if necessary, may direct fresh inspection and consider the case of the petitioner on its own merits.

2. Pursuant to the directions of this Court, the inspection was conducted by the Education Officer (Primary). Inspection report is also submitted. However, on the ground that the students were not available, the application is rejected. Learned Advocate for petitioner submits that when the school is closed for more than four years, the students certainly would not be there. The total infrastructure is available.

3. Learned A.G.P. submits that even all the teachers working in the institution are absorbed. There are no students, as such the order is passed.

4. While considering the application for re-recognition, the respondent was required to consider whether the petitioner has all the infrastructure amenities and the requirements required under the Right to Education Act, 2009. The purpose of fresh inspection was to get the existing infrastructure and the material on record and whether the petitioner complies with the necessary requirements with the Right to Education Act. The fresh inspection was also conducted and report submitted by the Education Officer, the Deputy Director of Education was required to consider the said report. The authority could not have expected the students to remain present, when the four years the school is closed.

5. Considering the above, we quash and set aside the impugned order dated 1.11.2017 passed by respondent no.1. The respondent-authority shall consider the application of the petitioner for re-recognition afresh considering the inspection report received by it and the decision shall be taken by end of May 2018.

6. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)