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

WRIT PETITION NO.171 OF 2018

1. Habib Education Social and
Cultural Welfare Society,
Near Sana High School,
Naumaniya Nagar,
Taroda (Bk), Nanded,
Tq. and Dist. Nanded
(Through its Secretary)
2. Ahemad Urdu Primary School,
Fateh Buruj, Nanded,
Tq. and Dist. Nanded
(Through its Headmistress)

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Secretary,
Education Department,
Mantralaya, Mumbai – 32
2. The Deputy Director of Education,
Latur Division, Latur,
Tq. and Dist. Latur
3. The Education Officer (Primary),
Zilla Parishad, Nanded,
Tq. and Dist. Nanded

..RESPONDENTS

Mr Vivek J. Dhage, Advocate for petitioners;
Mr A.S. Shinde, A.G.P. for respondents no.1 & 2;
Mr S.B. Pulkundwar, Advocate for respondent no.3

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

DATE : 4th July, 2018

ORAL ORDER:

Heard Mr Dhage, learned Counsel appearing on behalf of the petitioners; learned Asstt. Govt. Pleader on behalf of respondents no.1 & 2 and Mr Pulkundwar, learned Counsel on behalf of respondent no.3.

2. Petitioner no.1 is an institute running petitioner no.2 school at a place in Dist. Nanded. Petitioner no.1 institute is also granted minority status by way of a certificate dated 28th February, 2014 and the same is placed on record at Exh.P-1.

3. Mr Dhage invited our attention to the permission granted by the State Government to the petitioner institute by order dated 4th December, 2007 to start Urdu medium school for 1st standard on permanent non-grant basis. Then our attention is invited to subsequent permissions granted by the authorities and one of such permissions is at Exh.P-3, i.e. the order dated 5th January, 2009. By order dated 4th March, 2009, on the principle of natural growth, the petitioner institute was permitted to run the classes of Urdu medium for 4th standard, subject to certain conditions. Thus, there is subsequent permission to start class of 5th standard in Urdu medium by order dated 3rd March, 2010. The Education Officer (Primary) recommended the proposal of the institute for 6th standard classes in Urdu medium vide communication dated 12th March, 2011. Then by representation dated 5th July, 2011, the petitioner institute prayed for grant

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of proposal to start 6th and 7th standard classes in Urdu medium. Then again the petitioner institute submitted representations on 1st August, 2011 and 30th March, 2012 to the Education Officer (Primary). Similar representation was submitted to the Chief Executive Officer, Zilla Parishad, Nanded on 16th April, 2012. The Education Officer (Primary), in turn communicated the Block Education Officer to grant permission to the students taking education in 6th and 7th standards to appear for examination from other school which is nearby a school and a school which is approved by the Education Department, so that the students would not suffer any loss in their academic course. Then the Block Education Officer directed the Head Master of the school to submit the record.

4. Now the grievance of the petitioner is, though by way of various representations and recommendations of the Education Officer the proposal is submitted to the Deputy Director of Education on 12th March, 2011, no decision is taken on said the proposal. It is also submitted that the petitioner institute is having the necessary infrastructure like building, furniture, library, etc. It is also submitted by learned Counsel Mr Dhage for the petitioners that the petitioner institute is also having sufficient teaching and non-teaching staff with it. Thus, the only grievance is, though the proposal is submitted to the competent authority, no decision is taken by the competent authority and the proposal is pending since year 2011 before the Deputy Director of Education, Latur Region, Latur.

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5. Learned Asstt. Govt. Pleader submitted that there is change in the policy of the State Government and now the power to grant such permission vests with the State Government and not with the Deputy Director of Education, Latur Region, Latur. Be that as it may, we are not going into this issue at this stage. As the only grievance of the petitioner is, there is no decision on the proposal by the Deputy Director of Education which was submitted on 12th March, 2011, in our opinion, the petition can be disposed of with a direction to the Deputy Director of Education to decide the proposal as expeditiously as possible and not later than six weeks from the date of the order of this Court and communicate the decision to the petitioner.

6. Writ Petition is disposed of accordingly.

7. Learned Asstt. Govt. Pleader to communicate this order to the Deputy Director of Education, Latur Region, Latur.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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