

(1)

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

WRIT PETITION NO. 7446 OF 2018

Hindu Samaj Sanstha, Jalna,
A registered Public Trust
Through it's Secretary,
Vinayak s/o Narayanrao Dasre,
Age: 66 years, Occ: Retired,
R/o. Yogeshwari Nagar, Jalna,
District Jalna.

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through it's Secretary,
Schol Education and Sports
Department, Mantralaya,
Mumbai.
2. The Director of Education
(Primary), Primary Education
Directorate, Maharashtra State,
Pune, District : Pune.
3. The Deputy Director of Education,
Divisional Education Deputy
Director Office, Aurangabad
Division, Aurangabad.
4. The Education Officer (Primary)
Zilla Parish, Jalna.
5. The Zilla Parisha, Jalna,
Through it's Chief Executive
Officer, Jalna.

..RESPONDENTS

Mr Swapnil S. Patunkar, Advocate for petitioner;
Mr G.O. Wattamwar, A.G.P. for respondent/State

(2)

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

DATE : 2nd AUGUST, 2018

ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. A very limited grievance is raised in the petition. The petitioner institute is running a school at Yogeshwari Nagar, Old Jalna. Learned Counsel submitted that the petitioner institute was permitted to admit the students for 7th class with one division. Learned Counsel then submitted that in the year 2012 the petitioner institute submitted a proposal to the Education Officer (Primary) i.e. respondent No. 4 to grant additional division of 7th class by way of natural growth. The necessary documents were also placed along with proposal. The copy of the proposal dated 15th February, 2012 is placed on record at Exhibit-A.

(3)

2. Learned Counsel appearing for the petitioner submits that Extension Officer recorded his favourable opinion on the proposal. He then by inviting our attention to the other documents placed on record submitted that the petitioner also gave an undertaking that the petitioner institute would make available of the infrastructural facilities like books, science apparatus, furniture etc. He further submitted that an undertaking was also submitted that the petitioner would claim admission to grants as and when finance would be made available by the State Government.

3. The submission is, in spite of positive recommendation by the Education Officer (Primary) to the Deputy Director of Education by communication dated 30th March, 2013, no decision is taken on the proposal on the proposal of the petitioner and competent authority is sitting tight over the proposal, as such, there is no inordinate delay in decision. Learned Counsel appearing for the petitioner, thus, prays directions to the

(4)

authorities and more particularly, respondent Nos. 1 and 3 to decide the proposal of the petitioner forthwith.

4. Considering the grievance raised by the petitioner, we are of the opinion that the petition can be disposed of at admission stage even without waiting for any reply of the respondents authorities.

5. The documents placed on record show that the proposal was submitted to the Education Officer (Primary) on 15th February, 2012 and the Education Officer (Primary) with his positive recommendation, in turn, submitted the proposal to the Deputy Director of Education on 30th March, 2013. In view of this fact, respondent Nos. 1 and 3 are directed to decide the proposal of the petitioner institute as expeditiously as possible and not later than eight weeks from the date of order of this Court. We further make it clear that if the proposal of the petitioner institute is allowed by

(5)

the respondents authorities, in that case, the petitioner institute would be permitted to admit the students for additional division only from the academic session 2019-2020. We also make it clear that the petitioner, in future, will not claim any monetary benefits from the State Government for the period, in which, the proposal of the petitioner was pending before the authorities, and the petitioner would claim all those benefits to which it may be entitled to from academic year 2019-2020, in case proposal is allowed by the competent authority.

6. With the above directions, the petition is disposed of.

(S. M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE