

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

WRIT PETITION NO.1676 OF 2018

Krantiveer Birsamunda Gramin Vikas .. Petitioner
Pratisthan, Bhokar,
Through its President
Shriram s/o. Raosaheb Wagadkar

Versus

The State of Maharashtra & ors. .. Respondents

Mr.Prasad Jarare h/f. Mr. S.S. Thombre, Advocate for the
petitioner.
Mr.G.O. Wattamwar, AGP for respondent/State.

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

DATED : 20.07.2018

P.C. :-

1. Heard Mr. Prasad Jarare h/f. Mr. S.S. Thombre,
learned Counsel for the petitioner.

2. At the outset, learned Counsel for the
petitioner orally prayed for amendment of the petition.
He submitted that in prayer clause (B), the petitioner
refers to a date namely, proposal of the petitioner dated

28.11.2014. Learned Counsel submitted that inadvertently reference is made to the representation of 28.11.2014 and the proposal is submitted to respondent No.1 – Principal Secretary of Tribal Development Department of the State on 06.08.2014. Learned Counsel thus orally prayed for amending the prayer clause (B) by substituting date 06.08.2016 instead the date 28.11.2014. The oral prayer is allowed. Necessary amendment be carried out during the course of the day.

3. A limited grievance is raised in the petition. The petitioner is an institute, namely, Krantiveer Birsamunda Gramin Vikas Pratisthan, Bhokar and was desirous of starting training center for the students who were desirous to appear for competitive exams. Learned Counsel invited our attention to the document placed on record at Exh."A". It is submitted that the proposal was submitted to the Secretary of the Tribal Development Department of the State of Maharashtra. It was stated in the proposal that the petitioner institute is working in

the field of Education and most of the members of the petitioner-institute are belonging to Andh community. It is also submitted in the proposal that the petitioner institute was earlier running residential training center. Then it is submitted that large number of tribal boys and girls desire to attend and prepare for competition exams, but for inadequate facility of training centers, such desirous students are deprived of the facility of training center. Learned Counsel for the petitioner submitted that in the proposal the petitioner referred to infrastructural facilities available with the petitioner and also the special feature which the petitioner intends to provide to the students.

4. Learned Counsel then submitted that the Inspector visited the premises and conducted spot inspection of the premises. Learned Counsel then invited our attention to the report of the Tribal Development Inspector. It is submitted that the Tribal Development Inspector referred to infrastructural facilities,

teaching staff, non-teaching staff available with the petitioner-institute and forwarded report with his positive recommendation. Learned Counsel then submitted that the proposal was pending before the authorities for considerable long period and there was no decision on the proposal. Then by inviting our attention to the documents placed on record at Exh."G", learned Counsel submitted that again in the year 2014, the petitioner-institute submitted fresh proposal to the Principal Secretary of Tribal Development Department of State of Maharashtra. The learned Counsel by inviting our attention to the documents submitted that in the communication the petitioner institute relied on various circulars issued by the State Government and the representation submitted to the State authorities. The learned Counsel then submitted that similar representations were submitted to other authorities like the Hon'ble Minister of Tribal Development Department. Thus, the learned Counsel submits that even though the petitioner time and again submitting proposal before the

Competent Authority of the State of Maharashtra and in spite of positive report is in favour of the petitioner institute, the competent authorities are sitting idle on the proposal and no decision is taken on the proposal submitted by the petitioner. Thus, the learned Counsel for the petitioner submitted that the only grievance of the petitioner is non-decision on the proposal and then he prays for direction to the respondents and more particularly to respondent No.1 to decide the proposal submitted by the petitioner-institute dated 06.08.2014 forthwith.

5. Though, learned AGP prayed for some time to seek instruction, we are of the opinion that the petition can be disposed of at the admission stage, considering the grievance raised by the petitioner and referred by us in the earlier part of this order.

6. Resultantly, we dispose of this petition with directions to respondent No.1 to decide the proposal

submitted by the petitioner-institute on 06.08.2014 as expeditiously as possible and not later than 12 (twelve) weeks from the date of order of this Court, if not decided earlier.

7. Needless to state that this Court has not expressed any opinion on the merits of the proposal. As such, respondent No.1 to decide the proposal on its own merits. We further direct respondent No.1 to communicate the decision to the petitioner-institute within reasonable period of the decision.

[S.M.GAVHANE, J.]

[PRASANNA B.VARALE, J.]