

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.144 OF 2018
IN
WRIT PETITION (ST) NO.23145 OF 2017**

Shri.Swami Samarth Apang Seva
Mandal, Through its Secretary & Anr. ...Applicants

V/s.
The State of Maharashtra
Through
The Principal Secretary & Anr. ...Respondents

**WITH
WRIT PETITION NO.7621 OF 2016**

Shri. Swami Samarth Apang Seva Mandal,
Through Secretary, Lasmibai Kashinath Itkar
And OrsPetitioners

V/S
The State Of Maharashtra,
Through Principal
Secretary, Social Justice And Special
Asst. Dept And OrsRespondents

Mr.T.D. Deshmukh for the Applicant/Petitioner in both petitions.

Mr.S.B. Kalel, AGP for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
SMT.BHARATI H. DANGRE, JJ.**

DATE : 19th DECEMBER 2018

P.C.:

1. When these petitions and Civil Applications were placed
before us, an affidavit-in-reply has been filed by the District Social

Welfare Officer, Zilla Parishad, Solapur.

2. In paragraph No.2 it is stated that the petitions are not maintainable as against the cancellation of certificate of registration of any disabled school. There is a provision of appeal before the State Government. That provision is to be found in Section 54 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

3. Mr.Desmukh does not dispute this position and says that each of these petitions may be disposed of so as to enable the petitioners to avail this alternate remedy.

4. We dispose of each of these petitions either listed on Daily Board or the Supplementary Board or not on board today but by this common order.

5. We clarify that the petitioners can file an appeal and if such an appeal is filed within a period of two months from the date of communication of this order, it shall not be dismissed on the ground of limitation. They shall be decided on their own merits by the State Government. All contentions as are raised in the memo of

the Writ Petition/grounds therein as also the Civil Application can be raised before the Appellate Authority. The petitioners can rely on affidavit in rejoinder and point out that they have not violated or breached any of the terms and conditions of registration or the provisions of law, inviting such a drastic action. The contentions in that regard of both sides are kept open.

6. The order passed on 04.10.2017 in Writ Petition Stamp No.23145 of 2017 shall continue for a period of two months to enable the petitioners to avail the alternate remedy.

(SMT.BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI,J.)