

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.8402 OF 2014****WITH****CIVIL APPLICATION NO.1339 OF 2016****IN****WRIT PETITION NO.8402 OF 2014****WITH****WRIT PETITION NO.7189 of 2014****WITH****CIVIL APPLICATION NO.169 OF 2016****IN****WRIT PETITION NO.7189 OF 2014**

Mayakka Shikshan Prasarak Mandal

Dhalgaon through Secretary,

Dhondiram Ramchandra Gorad

.. Petitioner

Versus

State of Maharashtra & ors

.. Respondents

WITH

WRIT PETITION NO.7518 OF 2014

Shree Sidheshwar Shikshan Sanstha

Shirala Through Secretary,

Satyajeet Shivajirao Naik

.. Petitioner

Versus

State of Maharashtra, through

Principal Secretary & ors

.. Respondents

WITH

WRIT PETITION NO.7525 OF 2014

Viveksagar Samajik Vikas Seva

Sanstha Uran Islampur, through

Secretary Jayashree P.Chaudhary

.. Petitioner

Versus

State of Maharashtra, through

Principal Secretary & ors

.. Respondents

WITH
WRIT PETITION NO.7526 OF 2014

Shri Swami Samarth Shikshan
Sanstha Bedag, through Secretary
President Ashok Omase .. Petitioner
Versus
State of Maharashtra, through
Principal Secretary & ors .. Respondents

WRIT PETITION NO.8403 OF 2014

Tirmare Guruji Shikshan Prasarak
Mandal, Kupwad, Through
Secretary, Prasad Yadavrao Wadekar .. Petitioner
Versus
State of Maharashtra, through
Principal Secretary & ors .. Respondents

WITH
WRIT PETITION NO.8404 OF 2014

Jogeshwari Shikshan Prasarak
Sanstha, Khasundi, Through
Secretary Kishor Uttamra .. Petitioners
Versus
State of Maharashtra, through
Principal Secretary & ors .. Respondents

WITH
WRIT PETITION NO.8405 OF 2014

Nilkantheshwar Shikshan Sanstha
Shirala through Secretary,
Pandurang Ganpati Shinde .. Petitioner
Versus
State of Maharashtra, through
Principal Secretary & ors .. Respondents

Mr.Rajaram Deshmukh for the petitioners.
Mr.A.I.Patel, Addl.G.P for respondent nos.1 and 2.
Mr.J.P Gupta, Secretary, VJNT OBC & SBC, Welfare Department,
Mantralaya, Mumbai.

**CORAM: B.R. GAVAI &
SMT.BHARATI H.DANGRE,JJ.**

DATED : 26th APRIL 2018

PC :-

1 The petitioners have approached this Court praying for grant of permission to them for 8th Standard on the ground of natural growth of the schools. Petitioners are running Ashram schools for VJNT OBC & SBC, Welfare Department, Mantralaya, Mumbai.

2 Taking into consideration the interest of the students, we had directed the Principal Secretary of the Department concerned to remain present before this Court on 24th April 2018 so as to seek instructions as to whether the students studying in the school run by the petitioners would be accommodated in the other Ashram schools.

3 Accordingly, Shri Gupta, Secretary of the Department had made a statement that the students in the petitioner school would be accommodated in the other schools in the district.

4 We had, however, directed him to file an affidavit to that effect. Accordingly, an affidavit is filed. It would be relevant to refer to para 4 thereof.

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“4. In view of the facts stated hereinabove, I respectfully submit that the State Government is ready to absorb the students from the petitioner's school who has passed out VIIth standard in VIIIth standard in the Secondary Ashram School within the district and as far as possible within 30 km. The State Government is taking all precaution that the studies of the students who have passed out VIIth standard from Petitioner's Ashram school should not be disturbed and promptly the admission shall be secured in Secondary Ashram School for VIIIth standard.”

We are therefore, of the considered view that the interest of the students studying in the petitioners school is duly taken care of. In that view of the matter, we do not find that the case is made out for invoking the extra ordinary jurisdiction under Article 226 of the Constitution of India.

5 Writ Petitions are rejected taking on record the aforesaid statement made by the State Government as an undertaking to this Court.

6 In view of the disposal of the writ petitions, civil applications do not survive and are disposed of.

(SMT.BHARATI H. DANGRE,J)

(B.R.GAVAI,J)