

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****REVIEW PETITION NO.9 OF 2017****IN****LETTERS PATENT APPEAL NO.38 OF 2014****IN****WRIT PETITION NO.6685 OF 2012**

Shri.Digamber Jagannath Bhosale

...Petitioner

Versus

1.The State of Maharashtra & Ors.

...Respondents

Mr.Milind R.Deshpande, for the Petitioner.

Ms.Kavita N.Solunke, AGP for Respondent Nos.1 to 4.

**CORAM : NARESH H. PATIL AND
G.S. KULKARNI, JJ.****DATE : 8th August, 2018****P.C.:**

1. The learned Counsel for the petitioner submitted that the impugned order passed by the appellate authority as confirmed by the learned Single Judge was contrary to the record. It is submitted that the view expressed by the Division Bench while dismissing the Letters Patent Appeal is also required to be re-looked by reviewing the order passed by the Division Bench. In the submission of the learned Counsel, whatever deficiencies are noticed and pointed out while running Ashram School were rectified by the management. It is submitted that the petitioner is a person with disability and he should get benefits

under the provisions of the Rights of Persons with Disabilities Act, 2016, by permitting him to run the Ashram School.

2. The learned AGP submitted that throughout all the authorities, the learned Single Judge, the Division Bench of this Court, considering the material placed on record, the relevant pleas of the parties, have reached the conclusion that the petitioner is not in a position to run Ashram School to fulfill the object for which the Ashram schools are permitted to be run in the State of Maharashtra. The primary concern of the authorities and the State is to see that the students admitted to such Ashram School who are mainly from rural region and required financial and other support, are properly imparted education as per the norms. Necessary funds are also provided under various schemes by the Government to run such Ashram Schools. It is submitted by the learned AGP that if such purpose is not achieved, then, the State is bound to take necessary action in the interest of the students and accordingly such action was taken.

3. We have perused the record placed before us, the order of the appellate authority, the orders passed by the learned Single Judge and the order of the Division Bench. We have also perused the order of the Apex Court. Considered the submission advanced. The plea that the petitioner shall be entitled for benefits under the Rights of Persons with

Disabilities Act, 2016 is misplaced one as running of Ashram school shall be subject to the settled norms, guidelines and directions issued by the State. We have noticed that it has not been fulfilled and therefore, the permission was cancelled.

4. We do not find that the grounds set in the review petition are sufficient to review the impugned order. The review petition is dismissed.

5. However, in case the petitioner finds that all the deficiencies which were noticed have been rectified, then, the petitioner may take necessary step to apply afresh. If such an application is made, the authority shall decide such an application on its own merit. We have not expressed any opinion on merits.

**Prashant
Vilas Rane**

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Prashant Vilas Rane
Date: 2018.08.13
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[G.S. KULKARNI, J.]

[NARESH H. PATIL, J.]