

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 4145 OF 2016

(Madani Multipurpose Education and Social Welfare Society vs. The State of Maharashtra thr.
Principal Secretary, Ministry of School Education and Sports & Anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's Orders.

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
ARUN D. UPADHYE, JJ.
FEBRUARY 27, 2018.**

Heard Shri M.V. Samarth, learned counsel for the petitioner and Shri S.M. Ukey, learned Additional GP for the respondents, for some time.

2. The contention is, having floated a policy and also determining number of Schools to be established in Marathi medium, State Government cannot thereafter turn around and cancel everything.

3. The petitioner - society states that about 2372 Schools were envisaged to come up in Marathi medium and accordingly applications were invited. The petitioner procured land, arranged for money and kept that money in bank account. Thus, amount of Rs. Fifteen lakh is lying blocked and some amount has been invested for land.

4. The contention is, in this situation, after two years, cancelling policy and asking the petitioner to apply again under a new policy is wrongful.

5. Shri Samarth, learned counsel submits that as per his instructions, few Schools have already come up under old policy and he is awaiting details about those Schools.

6. The learned Additional GP is strongly opposing the petition. According to him, in the petition there is no statement that any particular school has been allowed to come up under old policy. He further states that as per changed policy, Self Financed Schools are now to substitute those Schools and hence the old scheme has been scrapped. He further submits that no legal right was created in the petitioner and hence there is no question of estoppel. The amount has not been invested and there is no proof of any prejudice caused to the petitioner.

7. The facts show that claiming consideration expeditiously, petition has been filed on 21.06.2016. After change in policy on 02.03.2017, the petition has been amended in October 2017 to incorporate challenge to the cancellation of the earlier policy dated 05.12.2012. Thus, policy formulated in 2012 has continued to operate at least till 02.03.2017. The fact that the petitioner has applied under that policy or then has made some arrangements to get benefit of that policy, as pleaded by the petitioner in paragraph 9-B of the petition, need proper scrutiny.

8. In this situation, without observing anything more, we grant the petitioner leave to make appropriate

representation to respondent No. 1, pointing out steps taken by it to establish such School. Respondent No. 1 shall thereafter examine the grievance in the light of submissions that irreversible decision have been taken by the petitioner for establishing the School. Such decision shall be taken by respondent No. 1 within next six weeks.

9. With these directions and keeping all rival contentions open, we dispose of the present writ petition. However, in the facts and circumstances of the case, there shall be no order as to costs.

JUDGE

JUDGE

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