

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

WRIT PETITION NO.1437 OF 2019

**QAZI SHAHED AZIZUDDIN
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. T.Y.Sayyed, Advocate for the petitioner
Mr. K.N. Lokhande, AGP for the respondent/State.

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

DATED : 31.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. The petitioner approaches this Court with two prayers, prayers clause (B) and (C). As the prayer for seeking recourse to Section 12 of the Maharashtra Right of Children to Free and Compulsory Education Rules, 2011 would be in failure by the Education Officer (Primary) and as such would be consequential remedial major, we are not inclined to consider the prayer (C). In view of the submissions of the learned counsel and on basis of the material placed on record we are consulting on prayer clause (B) of the petition.
3. Learned counsel for the petitioner submitted that, the petitioner approached the Education Officer (Primary), Zilla Parishad, Beed by way of various of representations. The petitioner submitted in these representations that a school, namely, Bilal Urdu Primary School, Sanjaynagar, Tq. Gevrai, Dist. Beed

being run by one Shri. Imam Ahmed Raza is under the interim orders of this Court.

4. It is also submission of the learned counsel for the petitioner that there are large some deficiencies and no infrastructural activities are available in the school. It is also the submissions in the representations that though the school was successful in receiving non salary grants for infrastructural facilities to the tune of Rs.2,00,000/- none of the infrastructural facilities available like the playground, the washrooms, drinking water and sufficient rooms to accommodate the students. Perusal of material placed on record shows that an application/complaint/representation was submitted to the Collector, Beed on 05.03.2018 and the Collector promptly acted in the matter by forwarding a communication to the Education Officer (Primary) Zilla Parishad, Beed, the Collector, Beed apprising the Education Officer (Primary) about the complaint/application of the petitioner and then by forwarding a copy of the application to the Education Officer (Primary) to conduct an enquiry and an action taken report to the office of the Collector. It is a submission of the learned counsel that though the Collector, Beed informed the Education Officer (Primary) to take appropriate steps, there is no progress in the matter.

5. Considering the nature of grievance raised by the petitioner against a school having lacking all the

infrastructural facilities. The petition can be disposed of by directing to the Education Officer (Primary), Zilla Parishad, Beed i.e. respondent No.5 to submit his fact finding enquiry report to the Collector, Beed in response to communication dated 28.03.2018 as early as possible and not later than 4 weeks from the date of order of this Court.

6. Respondent No.2-the Collector, Beed to act upon the report submitted by the Education Officer to him on assessment of the report. In case the Collector, Beed is of the opinion to grant an opportunity of hearing to the parties, the Collector, Beed may accordingly offer the opportunity of hearing to the parties.

7. With these above directions, the writ petition is disposed of.

8. Learned AGP is directed to forward a copy of the order of this Court to respondent No.3- The Director, Education, Pune and respondent No.4-the Deputy Director of Education (Primary).

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]