

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

WRIT PETITION NO.2199 OF 2019

Kailas S/o Fakira Rathod
Age 45, Occu: Agril,
R/o Kanchan Nagar, Jalna
Tq. & Dist. Jalna

... Petitioner

VERSUS

1. The State of Maharashtra
Through its Chief Secretary,
Social Welfare Department,
Mantralaya, Mumbai-32.
2. The Director,
Social Welfare Department,
Central Building Pune.
3. The Regional Commissioner,
Social Welfare Department,
Aurangabad Division, Aurangabad,
Tq. & District Jalna.
4. The Special Social Welfare Officer,
Jalna, Tq. & District Jalna.
5. The Special Social Welfare Officer,
Jalna, Tq. & District Jalna.
6. Kundan S/o Govin Rathod
Age Major, Occu: Headmaster
R/o Shri. Shivaji Primary Ashram
Achool, Shivani Tanda, Rathod
Nagar, Jalna, Tq. & Dist. Jalna.

... Respondents

....

Mr.Vivek V. Kabade, Advocate for Petitioner;
Mr. K.N. Lokhande, A.G.P. for Respondent Nos. 1 and 2.

....

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

DATED : 04th MARCH, 2019

PER COURT:-

1. Heard the learned counsel for the petitioner.
2. As a limited grievance is raised in the petition, the petition is taken up for disposal at the admission stage. It may not be necessary for us to refer the facts in detail. Suffice to say that this is on the backdrop of the usual feature, which has been observed now a days i.e. having dispute in the management and two groups fighting against each others. Be that as it may be certain representations are made at the instance of the father of the petitioner who was the member of the society. Then some representations are also submitted by the petitioner to the authorities stating that the mischiefs are being played in the administration of the society. One such representation is placed on record at Exhibit 'H' submitted to the Assistant Commissioner, Social Welfare Office, Jalna, Dist. Jalna. Our attention was invited to the communication forwarded from Assistant Commissioner to the Regional Deputy Director, Social Welfare, Aurangabad dated 31.01.2017. The Assistant Commissioner refers to the fact of lodgment of the report in the Police Station namely; Crime No.72/2016 for the offence punishable under Sections 406, 409, 420, 417, 468, 467, 471 r/w.34 of Indian Penal Code, and the Assistant Commissioner submits therein that as there are disputes in the management, the students ought not be sufferers

and the proposal is submitted for appointment of administrator. The counsel submits that this proposal is pending for considerable long time, and no decision was taken on the proposal. This being a limited grievance of the petitioner.

3. The Petition is disposed of with direction to Respondent No.3 to take appropriate decision on the communication dated 31.01.2017, as expeditiously as possible, in case, no decision is taken till date, and not later than (12) weeks from the date of order of this Court. Needless to state on the merit of the proposal. We further make it clear that this Court has not expressed any opinion on the merit of the proposal and the assessment of merit is left to the authority.

4. With these observations and direction, the petition is disposed of.

(S.M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE