

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2729 OF 2018

BALAGHAT SHIKSHAN PRASARAK MANDAL PARGAON GHUMRA
THROUGH ITS SECRETARY
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...

Advocate for Petitioner :
Mr. Pokale Dnyaneshwar B.
AGP for Respondents No. 1 & 2 : Mr. S. P. Tiwari
...

CORAM: S. V. GANGAPURWALA &
SMT. VIBHA KANKANWADI, JJ.

DATE: 14th OCTOBER, 2019

PER COURT:

1. Heard.
2. The learned Assistant Government Pleader accepts notice for both the respondents.
3. The grievance of the petitioner is that the proposal submitted for starting English Primary School and for upgradation of the existing school, have been rejected. The said proposal was filed seeking permission on Self Finance basis for the academic year 2015-16.

4. The learned counsel for the petitioner submits that without assigning any reason, the proposal is rejected. He relies on the order dated 6th March, 2017, passed by the Division Bench of this Court in Writ Petition No. 10675 of 2016 with connected Writ Petition.

5. The learned A.G.P. submits that as the said proposal was for the academic year 2015-16 and there were lacunae in the said proposal, the same has been rejected.

6. We have considered the submissions canvassed on behalf of both sides.

7. The impugned order rejecting the proposal submitted by the petitioner is bereft of any reason and a general order is passed, rejecting the said proposal. While rejecting the said proposal, the Authority concerned was expected to assign the reason/s. In absence of any reason being detailed in the impugned order, it would not be possible to sustain the said order.

8. It would be appropriate for the Authority to re-consider the proposal of the petitioner on its own merits. In the result, we pass the following order.

9. The respondents-Authority shall re-consider the proposal of the petitioner afresh for the academic year 2020-2021. The petitioners may appear before the Authority on 05.11.2019. The Authority shall take the decision on the proposal of the petitioner expeditiously and preferably within two (02) months, after hearing the petitioner.

10. The Writ Petition is disposed of in the above terms. No costs.

[SMT. VIBHA KANKANWADI, J.] [S. V. GANGAPURWALA, J.]

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