

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

WRIT PETITION NO.6239 OF 2019

SATIMATA SARVAJANIK LIBRARY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Shri N.L.Chaudhari, Advocate for the Petitioner.
Shri S.R.Yadav, AGP for Respondent Nos.1 to 4.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 04th June, 2019

Per Court:

- 1 Leave to correct the description of respondent No.4.
- 2 This matter was heard for sometime on 03.06.2019 and was posted today for further hearing. However, since the mater did not appear on the board, the parties mentioned the same at 10:30 am. As such, the matter is taken on the production board.
- 3 The learned advocate for the petitioner submits that since he has lost about 06 years in the process of this litigation, he would be willing to make a fresh application in accordance with the Rules applicable, to the competent authority for seeking recognition of his library so as to convert it from a private library to a public library. He, however, submits that the impugned orders should not come in the away

of the petitioner for seeking fresh recognition.

4 The learned AGP submits that as the derecognition order is dated 03.07.2013, the impediment to make a fresh application would last for a period of three years as stated in the notice dated 30.03.2013, which is at page 26 of the petition paper book. He, therefore, submits that if the petitioner makes a fresh application within a period of six weeks from today in accordance with the rules, regulations and procedure enunciated in the Maharashtra Public Libraries (Recognition for Grant In Aid and Building and Equipment Grants) Rules, 1970 (for short, hereinafter referred to as “the said Rules”), the competent authority of the State shall consider the said application, in the event, there is no legal impediment, which is not visible before this Court as on date.

5 The learned advocate for the petitioner submits that though the notice dated 30.03.2013 mentions that the petitioner can make a fresh application only after 03 years, he does not find any such prescription in the said Rules.

6 Considering the above, this Court is not required to go into disputed issues. This Writ Petition is, therefore, disposed off.

7 The petitioner would be at liberty to make a fresh application under Rule 3 of the said Rules, within a period of SIX WEEKS from today, to the competent authority of the State. The petitioner shall submit details of the infrastructure of his library to the concerned authority, which is

Respondent No.3. The competent authority is expected to cause an inspection of the library within EIGHT WEEKS from the date of receiving the application from the petitioner.

8 Needless to state, Rule 5 of the said Rules deals with the power of the Director to recognize the library as a public library and Rule 6 empowers the said Director to issue/ grant a certificate of recognition in Form-B mentioned in Schedule 1 appended to the said Rules.

9 As such, after inspection is carried out and after the competent authority follows the procedure laid down under the said Rules, the Director would take a decision under Rule 6 as expeditiously as possible and preferably within a period of FOUR MONTHS from the date of the inspection of the library.

kps

(RAVINDRA V. GHUGE, J.)