

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

**CIVIL APPLICATION NO.7689 OF 2019
IN WP/5960/2016**

**THE SECRETARY, KAMAL EDUCATION SOCIETY, PARBAHNI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.S.P.Brahme, Advocate h/f. Mr.M.C.Sayed, Advocate for
applicant

Mrs.G.L.Deshpande, AGP for respondent nos.1 to 3

CORAM : PRASANNA B. VARALE

AND

R.G. AVACHAT, JJ.

DATE : JULY 05, 2019

PER COURT :-

Heard Mr.Brahme, learned Counsel for the
applicant.

2. The applicant claims to be the Secretary of
one educational institute namely, Kamel Education
Society, Yousuf Colony, Wangi Road, Parbhani.

3. Mr.Brahme, learned Counsel appearing for the
applicant, submits that in view of the directions of

this Court in the order dated 25.04.2019 in Writ Petition No.5960 of 2016, the Education Officer (Secondary), Zilla Parishad, Parbhani, has constituted an enquiry committee consisting of five members. He submits that perusal of the communication dated 18.06.2019, which has been placed on record at Exh.'A-3', would show that these five members of the enquiry committee are from different walks of life, such as, representatives of educational authorities of Zilla Parishad; a member, who is a social worker; a member is a journalist; and another is a teacher recipient of an award in the field of education. Mr.Brahme submits that the enquiry committee so constituted is in the process of enquiry. The enquiry committee has been requested to conduct enquiry expeditiously and submit a report at the earliest. Mr.Brahme submits that during the pendency of the enquiry, respondent no.3 - Education Officer (Secondary) issued two communications on 19.06.2019 to the Headmasters of the schools being run by the

applicant – institute namely, Kamel Urdu Primary School, Wangi Road, Parbhani (aided) and Kamel Urdu Higher Secondary (Junior) School, Parbhani (unaided). By these communications, the Education Officer informed the Headmasters/Principal not to admit any student in in the respective schools for the academic session of year 2019-20. Mr.Brahme submits that such a prevention or prohibition would cause serious prejudice to the applicant – Institute. Mr.Brahme prays for grant of stay to these communications.

4. Though the submissions of Mr.Brahme look attractive at the first blush, we are unable to accept the same on the backdrop of the order of this Court dated 25.04.2019. By that order, the Division Bench, while referring to the earlier affidavit filed by the Deputy Director of Education in the Writ Petition, was pleased to observe that except submitting a proposal for de-recognition of the institute, there was nothing on record to show that the State Government was desires to initiate any

action. The Division Bench then specifically observed that the respondent/authority shall consider whether withdrawal of the recognition is only step they are contemplating or whether they are taking steps to recover the amount of funds misused. On the backdrop of these observations, if the enquiry report dated 05.04.2019 placed on record along with the affidavit dated 15.04.2019 filed through Shri.Vaijnath s/o. Kondiba Khandke, Deputy Director of Education, Aurangabad, is perused, it would clearly show that in an extensive enquiry apart from recording remarks for de-recognition of the schools, the report states about misutilisation of the funds by the applicant - Institute. The report also states that though permission was sought for to run the school at the premises namely, Wangi Road, Parbhani, the applicant - Institute has started both the schools at another premises namely, Yusufia Colony, Parbhani. It is further observed in the report that when it was prerequisite of making infrastructural facilities

available to the students independently in both these schools, one set of infrastructural facilities was being utilised for the students studying in both these schools. The report also states about the funds received from the Government by showing the strength of the students, for infrastructural facilities and honorarium to the teaching staff. However, it is revealed in the enquiry that mischief is being played in the record and the funds obtained from the Government are utilised for oblique motive. The Deputy Director of Education has specifically stated in the enquiry report of criminal action so as to recover the Government funds, which were made available to the Institute and utilised by it.

5. On the backdrop of these facts, if the educational authorities in their wisdom have prevented the applicant - Institute from admitting students in the above two schools for the academic session 2019-20, we see no reason to show any indulgence or cause any interference in the action

initiated by the Education Officer under the communications dated 19.06.2019.

6. The Civil Application being meritless deserves to be rejected. The Civil Application is accordingly rejected.

[R.G. AVACHAT, J.]

PRASANNA B. VARALE, J.]

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