

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

**WRIT PETITION No.7854 of 2014  
With  
Civil Application no.4926 of 2015  
With  
Civil Application no.8393 of 2015**

Vikas Samajik Sanskritik & Krida  
Mandal, Chahardi, Taluka Chopda  
District Jalgaon  
Through its President  
Charudatta s/o Dattatray More. .. **Petitioner.**

**Versus**

The State of Maharashtra  
And Others. .. **Respondents.**

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Surekha Mahajan, Advocate, for petitioner.

Shri. S.N. Morampalle, Assistant Government Pleader, for  
respondent Nos.1 and 2.

Shri. M.H. Patil, Advocate, for respondent No.4.

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**Coram: T.V. NALAWADE &  
SUNIL K. KOTWAL, JJ.**

**Date: 28 FEBRUARY 2019**

**ORDER (Per T.V. Nalawade, J.):**

1) The petition is filed for giving direction to the  
respondents to consider the proposal of the petitioner for

transfer of management of one school which was being run by respondent No.4 at the relevant time. Both the sides are heard.

2) The petitioner is a trust running educational institutions. Respondent No.4, other educational institution, was running a school for deaf and dumb students, which was a residential school, at Junner, Tahsil and District Dhule. There were some irregularities like not doing audit of the account, not making payment of rent to the landlord and not submitting the reports to authorities. The Headmaster was suspended for some time and due to these irregularities respondent No.1 had appointed administrator on the school on 26-8-2013. In the letter of appointment it was made clear that there was possibility of transfer of the management of the school to other institution. In view of this circumstance the petitioner applied for permission to run this school by making application dated 30-8-2013. This proposal was recommended by respondent No.3, District Social Welfare Officer, Dhule. There was renewal of registration to the school till 31-3-2013. But it can be said that after

appointment of the administrator there was renewal of the registration for further period. There was some dispute in the management and staff.

3) It appears that by order dated 25-5-2015 the respondent No.1 cancelled the appointment of the administrator and allowed respondent No.4 to run the school. Then respondent No.4 came to be added in the present proceeding but no relief is claimed for setting aside the order made in favour of respondent No.4.

4) The learned counsel for the petitioner is placing reliance mainly on Government Resolution dated 24-1-2014. This Government Resolution is with regard to transfer of such schools which were closed. In this Government Resolution directions were given to see that proposals made in respect of closed schools are forwarded to the Commissioner for the transfer. If applications were moved for getting the schools the Commissioner was expected to take decision on those proposals. Learned counsel submitted that in view of this scheme of the Government the application was moved by the petitioner

and so decision ought to have been taken on that application by the respondents.

5) The submissions made and the record show that after restoration of the management to respondent No.4 inspection was done and during inspection it transpired that respondent No.4 was running the institution properly and gradation like Grade 'A' was given to the management. This Court has carefully gone through the report and it shows that there were 60 students and all the basic facilities were provided to the students.

6) In the aforesaid Government Resolution and also as the policy decision, the Government had made it clear that ordinarily when a closed school is transferred the school needs to be given to other institution from the same place for running the school at the same place. The present petitioner is an institution having office in Jalgoan. The school building was taken on lease by previous management and along with the proposal no information regarding infrastructure which the petitioner

was able to give at Junner was given. When such schools are sanctioned, it needs to be presumed that as per the necessity of that region the schools are sanctioned. The convenience of the students is the paramount consideration for sanction and also for transfer of such schools. Only because in the past the management was handed over to administrator, it cannot be said that the school was closed and so the management of the school could not have been given to respondent No.4 again. There was no vested right as such to the petitioner to get transfer of the management or transfer of the school to it. In view of this circumstance this Court holds that no relief can be granted to the petitioner. The cancellation of the order of appointment of the administrator and giving back the management to the previous institution amounts to rejection of the proposal submitted by the petitioner. Thus no separate decision needs to be given on the proposal which was filed by the petitioner. In the result, the petition stands dismissed. Both the civil applications stand disposed of.

Sd/-  
**(SUNIL K. KOTWAL, J.)**  
rsl

Sd/-  
**(T.V. NALAWADE, J.)**