

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

WRIT PETITION NO. 10886 OF 2018

Karuna Shikshan Sanstha Wadgaon
Through its Secretary .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Tushar M. Tandale, Advocate for the Petitioner.
Shri A. B. Chate, A.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 20TH MARCH, 2019.

FINAL ORDER :

. The petitioner is assailing the impugned communication dated 14.09.2018 whereby directions are issued to the petitioner to stop the unauthorized divisions of 5th to 7th standards.

2. We have heard the learned counsel for the petitioner. The learned counsel submits that the permission was granted to run 01st to 07th standards on 31.12.2003, however, immediately 5th standard did not commence because of lack of students at the relevant time. The petitioner started class of 5th standard in the year 2009. The classes were started from 5th to 7th standards. According to the learned counsel, the present order is passed

without notice to the petitioner. The learned counsel submits that, even proposal of the petitioner for start of 6th and 7th standard was recommended by the Education Officer and for renewal of permission of Class 5th. The same is still pending.

3. We cannot allow the petitioner to run 5th to 7th standard classes without permission. The proposal is forwarded by the petitioner, the proposal for renewal for Class 5th was forwarded by the Education Officer to the Deputy Director of Education. It is submitted that, it is not yet decided.

4. The petitioner may submit fresh proposal for 5th to 7th standards. If the said proposal is submitted, the respondents shall take effective steps and decision upon said proposal expeditiously and preferably within a period of six months from the date of submission of proposal. The petitioner shall not admit any student in 5th to 7th standards for the academic year 2019-2020 and the students for next year shall be accommodated as per the impugned order in the nearby school. If the proposal is filed by the petitioner for permission to start 6th and 7th standards and for renewal of permission for 5th standard, then same shall be decided by the authorities on its own merits. The writ petition is disposed of. No costs.

5. The students appearing for 5th, 6th and 7th standard for

the present academic year with the petitioner school shall be allowed to give their examinations for this year as students of the petitioner school.

[A. M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb / March 19