

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 6100 OF 2014

1 Shivshakti Bhauudheshiya Seva
Sangha & Ors. ... Petitioners
Vs
1 The State of Maharashtra & Ors. ... Respondents

Mr. S.T. Bhosale for the Petitioner.

Mrs. Rupali Shinde, AGP, for the Respondent-State.

**CORAM : S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.**

TUESDAY, 26TH FEBRUARY, 2019

P.C. :

1 Having heard Mr. Bhosale at some length and perusing the order under challenge, we are of the firm opinion that the communication / impugned order is based on a policy of the Government.

2 In the event institutions like the petitioner are seeking an approval for the past period, then, they would have to establish and prove that they set up the school after full compliance with the law. In the instant matter, the school was

sanctioned as a special case by the then Minister of School Education, Government of Maharashtra. The petitioner may have set up the school from 1999-2000 and thereafter requested to start a Secondary School or Secondary Section, but that was granted purely on unaided basis. Once it was granted on non-aided basis and as a special case, then, the petitioner cannot insist that the final approval should also date back to this Academic Year. There are good reasons why the approval granted cannot date back to the Academic Year 2004-2005. All that the petitioner suffers is a loss of Government aid which is inadmissible from 2004-2005 to 2011-2012. However, that is now admissible in terms of the impugned communication from the Academic Year 2009-2010.

3 In the circumstances, we find no fault with the order under challenge. It does not suffer from such legal infirmity or perversity calling for interference under Article 226 of the Constitution of India. The writ petition is dismissed.

M.S. KARNIK, J.

S.C. DHARMADHIKARI, J.