

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1652 OF 2014

Jagruti Vidyalaya .. Petitioner
Versus
Deputy Director of Education & Ors. .. Respondents

Mr.Milind Deshpande for petitioner
Mr. V.M.Mali, AGP for State – respondent Nos.1 to 4

CORAM : B.R.GAVAI &
DAMA SESHADRI NAIDU, JJ.

DATE : 13th March 2019.

P.C.

This petition challenges the order dated 31st May 2012 passed by the Deputy Director of Education, thereby withdrawing recognition granted to the petitioner. This order was carried in appeal and the first appellate authority on 2nd December 2012 dismissed the appeal and on 20th September 2013, the second appellate authority dismissed the second appeal arising through the order passed by first appellate authority dated 2nd December 2012.

2] It is the contention of the petitioner that the petitioner

school is located in a hilly and tribal area and as such in a sudden inspection which was carried out by the respondent authorities, there could have been certain lacunae and on that short ground alone, the recognition granted should not have been withdrawn.

3] It appears that to appreciate the contention of the petitioner, we will have to forget the studies we had undertaken in the subject of Geography. Bhandup is an area or suburb located within the limits of Mumbai Municipal Corporation. In Mumbai except some padas in Sanjay Gandhi National Park no tribal areas are located. In that view of the matter, the contention of petitioner is factually incorrect.

4] Apart from that fact, in grant in aid schools various lacunae of serious nature were noticed and as such the petitioner was issued a show cause notice as to why the recognition granted should not be withdrawn. A reply thereto was also filed and after considering the reply, the Deputy Director of Education passed the order dated 31st May 2012. The first and second appellate authority also by reasoned orders have upheld the original order.

5] We are at pains to say that certain educational institutions only for the purpose of obtaining grant in aid from the State Government are running school for namesake and not providing proper and necessary infrastructure. We do not want to protect such litigant.

6] No perversity is noticed to warrant interference in writ jurisdiction. Hence, petition is rejected.

(DAMA SESHADRI NAIDU, J)

(B.R.GAVAI, J)