

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

WRIT PETITION NO.13041 OF 2017

**SIR SAYYED AHMED KHAN EDUCATIONAL WELFARE SOCIETY THROUGH
ITS PRESIDENT IQBAL HAJ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Kazi S.S.
AGP for Respondents 1 and 3: Mrs.PV.Digikar
Advocate for Respondent No.2: Aghav Avinash D

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**CORAM : PRASANNA B. VARALE &
R.G.AVACHAT, JJ.**
DATE : 29.01.2020

PER COURT:-

- 1] Heard the learned counsel Mr. Kazi, for the petitioner.
- 2] Learned counsel Mr. Kazi, orally prayed before this court for amendment to the petition by addition of Director of Education Primary, Directorate, Primary Education, State of Maharashtra as party respondent No. 4. Oral prayer is allowed. Amendment be carried out forthwith.
- 3] A limited grievance is raised in the petition. The learned counsel Mr. Kazi, by inviting our attention to the documents placed on record submitted that the petitioner – Society is active in the field of imparting education and running a Primary Urdu School at Jalna. The copy of the registration certificate is placed on record.

4] It is then submitted that the petitioner – Institute acquired status of minority institution in the year 2012 and copy of the certificate to that effect is also placed on record. The Primary Urdu School is run by the petitioner – Institute was permitted in the year 1985 though initially the permission was granted only for first standard class. Considering the need of area and considering the factum of natural growth of students in the year 1992, the petitioner – Institute was permitted to start the class for Standard 5th to Standard 7th. In view of the natural growth of the students, the petitioner – Institute submitted a proposal for additional Divisions in the School and this proposal was for Second Division of Standard 5th in Urdu medium. The proposal was positively approved by the Deputy Director of Education, Aurangabad and the communication to that effect dated 26.05.2003 is placed on record.

5] Learned counsel Mr. Kazi, then invited our attention to the documents placed on record at Exhibits "F" and "G". The document at exhibit "F" is a communication forwarded to the Divisional Deputy Director, Aurangabad, through the Desk Officer of State informing the Deputy Director to grant permission for the second additional Division for the classes from Standard 5th to Standard 7th. Then there is another communication dated 24.02.2012, whereby, the Desk Officer called for the self speaking recommendatory proposal for additional Divisions to standard 6th and Standard 7th by verifying the record and the latest proposal was submitted and there was a representation submitted by the Head Master to the Secretary of School Education Department on 08.02.2017.

6] The learned counsel by inviting our attention to the other documents, submitted that necessary proposals were submitted to the authorities along with all the requisite material and inspite of various representations and reminders, there is no decision on the proposal. Notice is issued by this Court by order dated 09.11.2017 and inspite of sufficient opportunities granted to the respondent Nos. 1 and 3, till date no reply is filed. Respondent No. 2 has filed the reply through Education Officer - Shri K.G. Datkhil on 14.01.2020. It is submitted in the affidavit-in-reply that the proposal received by the petitioner – Institute was forwarded to the Director of Education (Primary) Maharashtra State way back in the year 2013. The copy of the proposal is also placed on record at Exhibit "R-2" annexed to the affidavit-in-reply.

7] Considering these facts, we see no reason to keep the Petition pending only to seek response from the respondent Nos. 1 and 3 by way of their affidavit-in-reply and in our opinion, the Petition can safely be disposed of by directing respondent No. 4 – The Director of Education (Primary) to take appropriate decision on the proposal submitted to his office on 28.06.2013, seeking permission for additional Division as early as possible and not later then 4 weeks from the date of receipt of the order of this Court. Needless to state on the merits of the proposal. We further make it very clear that this Court will not entertain any prayer for extension of time as the proposal is pending before the authority for more than 6 years. The directions issued to the authority, in our opinion, also would not cause any prejudice to the Respondent State and it would only meet the ends of justice.

8] Writ Petition is disposed of accordingly.

[R.G.AVACHAT,J.]

[PRASANNA B. VARALE, J.]

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