

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CRIMINAL WRIT PETITION NO. 1784 OF 2018

Sukeshini d/o. Bhagwanrao Naikwade .. Petitioners
 and another

Versus

The State of Maharashtra and others .. Respondents

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Mr. Sachin S. Deshmukh, Advocate for Petitioners
 Mr. G. O. Wattamwar, APP for Respondents No.1 to 6
 Mr. Tushar M. Tandale, Advocate for respondents No. 7 to 8

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**CORAM : T. V. NALAWADE AND
 M.G. SEWLIKAR, JJ.**

DATE : 8th DECEMBER, 2020

PER COURT :-

This petition is filed for giving directions to respondents No.1 to 6 to take appropriate action including criminal action against respondents No. 7 and 8 on the basis of communication dated 19-10-2018. Both the sides are heard.

2. The present petitioners were employees for sometime of School- *Shri. Sanchareshwar Madhyamick Vidyalaya, Wadgaon (Da), Tahsil Parli-Vajnath*, District Beed. They were removed from service by the Institution and some proceeding is filed by them against the Institution in the School Tribunal.

3. It is the contention of petitioners that the school was allowed to start class of 5th standard from year 2013. It is the contention of petitioners that classes from 5th to 7th Standards were illegally started

subsequently and not as per condition given in Government Resolution of 2007. It is contended that though permission was granted to start the School, in Government Resolution dated 19-10-2007 there was a condition that School was to be started within 18 months, but that was not done. It is contended that in Government Resolution dated 19-06-2010, the Government has made it clear that if any Institution is found running the School unauthorizedly, then it will be liable to pay penalty of Rs.1,00,000/- and additional penalty of Rs.10,000/- for each day, if the School is running after making order by the authority. It is contention of petitioner that when present School was not started as per Government Resolution dated 19-10-2007, no action was taken against the School and grants were sanctioned to the School in respect of these three classes. In Government Resolution dated 02-07-2016, it appears that grants were sanctioned. For getting grants amount the application was made by Management at the School, but due to objection taken and irregularities noticed, the grants are not yet disbursed.

4. Learned counsel for petitioners took this Court through the correspondence made by the Education Officer and other authorities with each other and showed that there was specific direction from the authority to the Institution to see that those classes are closed. He submitted that the Officers are not taking action against School including criminal action and so present proceeding was required to be filed.

5. This Court has gone through the reply filed by respondent, which is signed by the Education Officer(Secondary), Zilla Parishad, Beed. The reply shows that there was some correspondence in the year 2013 for starting 5th standard class, but the 5th standard class was not started.

It is contended that said Institution was running classes of 8th, 9th and 10th standards. It is contended that though School was shown in the list of Schools, for which 20% grant-in-aid was sanctioned; the amount is not paid to them. It is contended that it was noticed that there was no recommendation of the officer of Education Department to give such grant and it was informed by sending letter to the Institution to close down the classes of 5th to 7th standard, as they were unauthorized and illegal. It is contended that in view of some orders made by this Court in Writ Petition No. 10886 of 2018, arrangement was made in respect of some students, which were shown to be studying in those standards and they were allowed to appear for examination. In reply, it is contended by the authority that appropriate action will be taken by the higher authorities against the Management of the School. This Court expects that respondents will take action. This Court holds that no further order needs to be passed. It is upto the respondent-authority to take appropriate action after making enquiry. Present petitioners are interested in taking action against respondents No. 7 and 8, only due to action taken against them by the Management like their termination from service. In the result, the criminal writ petition stands dismissed.

Sd/-

[M. G. SEWLIKAR]
JUDGE

Sd/-

[T. V. NALAWADE]
JUDGE