

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4917 OF 2020
WITH
CIVIL APPLICATION NO.6929 OF 2021

Marathwada Ustod Kamgar
Vikas Mandal, Parali Vajinath,
Dist. Beed,
Through its President,
Bhimrao S/o Vitthalrao Satbhai,
Aged : 67 years, Occ. Agriculture,
R/o Gandhi Market, Parali Vajinath,
Dist. Beed

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through the Secretary to the
Government of Maharashtra in
Vimukta Jati, Nomadic Tribes,
Other Backward Class and
Special Backward Class Welfare
Department, Mantralaya, Mumbai
2. The Director,
Vimukta Jati, Nomadic Tribes,
Other Backward Class and
Special Backward Class Welfare,
Maharashtra State, Pune
3. The Assistant Commissioner,
Social Welfare, Beed
4. The Regional Deputy Commissioner,
Social Welfare, Aurangabad Region,
Aurangabad

..RESPONDENTS

Ms S.P. Mahajan, Advocate for petitioner;
Mr S.K. Tambe, AGP for respondent Nos.1 to 4;
Mr V.G. Kodale, Advocate holding for Mr V.D. Gunale, Advocate for
intervenors

**CORAM : RAVINDRA V. GHUGE
AND
S.G. MEHARE, JJ**

DATE : 28th July, 2021

P.C.

1. By this petition, the petitioner has expressed a serious apprehension of respondent nos.1 and 2 initiating action of closure of the institution which is conducted by the petitioner. The Desk Officer for the State of Maharashtra, in response to a Legislative Assembly Question put forth in the monsoon session of the State Assembly of 2018, has directed that the procedure for cancelling the recognition of the petitioner be initiated. It is, however, stated that the impugned communication dated 3.3.2020 addressed to respondent nos.3 and 4, has not led to any further action.

2. The learned A.G.P. has relied upon the affidavit-in-reply filed by the Deputy Secretary, Other Backward Bahujan Kalyan Department, Mantralaya, Mumbai, dated 10.12.2020 and points out from paragraphs 3 and 4 that this petition is not maintainable and the impugned notice is only the beginning of a procedure to be followed for initiating action against the petitioner if the petitioner is found to be at fault. The preliminary report dated 5.11.2018 which is received from respondent no.2, indicates certain irregularities in the school operated by the petitioner.

3. Having considered the grievance voiced by the petitioner in the light of the impugned communication by the Desk Officer to respondent nos.3 and 4, we find that the State has yet not initiated any action against the petitioner institution. There can be no dispute that the State will have to follow a particular procedure as is prescribed in law if they desire to withdraw the

recognition granted to Shri Nagnath Nivasi Primary and Secondary School at Parali Vajinath.

4. There is no debate as regards the fact that if the respondents desire to withdraw the recognition granted to the said school operated by the petitioner, they would have to follow a particular procedure and an opportunity of hearing will have to be granted to the petitioner.

5. In view of the above, this petition is disposed off with the following directions:-

- a) The respondents shall follow a procedure as is prescribed in law for initiating action as is contemplated in the impugned communication dated 3.3.2020.
- b) If the procedure contemplates an opportunity to the petitioner to tender it's written explanation or appear before a particular authority for presentation of it's case, such steps would be resorted to.
- c) Since the Desk Officer has referred to a report dated 5.11.2018 prepared by respondent no.2, a copy of the said report will also be supplied to the petitioner before calling for an explanation from the petitioner in view of the proposed action.
- d) After the prescribed procedure is complied with while initiating action, the competent authority would take into account the material and

explanation putforth by the petitioner before drawing a conclusion as to whether the recognition needs to be withdrawn or not.

- e) Any order passed, if adverse to the petitioner, shall carry reasons in support of the conclusion.

6. In view of the above, the pending Civil Application filed by Sheshrao Laxman Zodge, does not survive and stands disposed off.

[S.G. MEHARE, J.]

[RAVINDRA V. GHUGE, J.]

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