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

917 CIVIL APPLICATION NO.6605 OF 2021
IN WP/7990/2020 WITH WP/7990/2020

SHRI DNYAN PRASARAK MANDAL THROUGH CHAIRMAN
AND ANOTHER
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Mr S. P. Brahme, Advocate for applicants/petitioners;
Mr S. G. Sangle, A.G.P. for respondent Nos.1 to 3;
Mr R. N. Jain, Advocate for respondent No.4

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

DATE : 27th July, 2021

PER COURT:

1. The petitioners were before this Court in Writ Petition No.7990/2020. By an interim order dated 03/12/2020 in the said petition, this Court directed respondent No.2 to decide the pending applications of the petitioners seeking permission to start the 8th Standard Division and to admit the students. It is informed that pursuant to the said order, the authorities have permitted the petitioners to start the 8th Standard Division.

(2)

2. In the present civil application, the applicants/petitioners point out their pending applications dated 17/05/2021 and 27/05/2021 for starting the 9th Standard Division in the academic year 2021-2022. The said applications are yet to be adjudicated upon. The learned Advocate representing respondent No.4 – Education Officer (Primary), Zilla Parishad, Nandurbar submits that both these applications are pending with respondent No.2.

3. In view of the above, this application is disposed off by directing respondent No.2 to decide the applications of the petitioners for starting the 9th Standard Division, on their own merits and preferably on or before the 25th day of August, 2021, keeping in view that the academic year 2021-2022 has already commenced. We make it clear that we have not expressed any opinion about the merits of the applications for starting the 9th Standard Division.

4. Insofar as the writ petition is concerned, we find from the prayer put forth through this petition filed on 03/11/2020 that the petitioners pray that the State Government be directed to grant the Higher Secondary Level permission to the petitioners.

(3)

5. We find that the said proposal earlier put forth by the petitioners for seeking permission to have Higher Secondary Level School, was of March 2013. Much water has flowed since the last eight years and the learned Advocate for the petitioners also submits that with every passing year, the petitioners are improving their infrastructure.

6. We, therefore, put it to the petitioners as to whether it would be advantageous for the Educational Institution to prepare a fresh proposal, complete in all respects, and submit the same to respondent Nos.1 to 3 for seeking permission to have a Higher Secondary Level School.

7. The learned Advocate for the petitioners is agreeable on instructions and makes a request that if such proposal is filed within one month from today, the competent authority may be directed to decide the fate of the proposal within four months thereafter, notwithstanding the directions passed today in Civil Application No.6605/2021.

(4)

8. The learned A.G.P. submits that, if such proposal is received within one month, respondent Nos.1, 2 and 3 would consider the said proposal and take a decision on the request of the petitioners, within four months thereafter, on its own merits and by following the due procedure laid down in law.

9. In view of the above, Writ Petition No.7990/2020 is disposed off, with the following observations :

(a) The petitioners would submit a composite proposal for starting a Higher Secondary Level School, within one month, to respondent No.2 through respondent No.4;

(b) Respondent No.4 shall forward the said proposal to respondent No.2 in order to avoid wastage of time, by following the due procedure, within one month;

(c) The competent authorities shall consider the proposal of the petitioners and take a decision on its own merits and in accordance with the procedure laid down in law, within four months from the date respondent No.2 receives the said proposal;

(5)

(d) The pendency of this proposal would not affect the order passed by this Court, today, in Civil Application No.6605/2021, concerning the request of the petitioners to start the 9th Standard Division.

10. Since the petitioner has already deposited a security deposit amount of Rs.10,00,000/- in 2013 for having a Higher Secondary School and it was granted a Primary School for which fees of Rs.3,00,000/- is to be deposited, the remainder 7,00,000/- shall be utilised for the proposal which the petitioners would now tender within a month. Any such amount, over Rs.7,00,000/-, as may be payable today because of enhancement of fees, shall be deposited by the petitioners. Such security deposit is regulated by Schedule 'C' under the Maharashtra Self-Financed Schools (Establishment and Regulation) Act, 2012 vide which, the structuring of such security deposit is prescribed.

11. This proposal of the petitioners would be entertained for the academic year 2022-2023, onwards.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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