

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1138 OF 2021

Shree Krishan Shikshan Prasarak

Mandal, Solapur

..... Petitioner

VERSUS

Secretary,

Education Department, Mantralay

State of Maharashtra & Ors.

..... Respondents

ALONGWITH

WRIT PETITION NO. 1139 OF 2021

Jivanjyoti Krida va Shikshan Prasarak

Mandal, Solapur

..... Petitioner

VERSUS

Secretary,

Education Department, Mantralay

State of Maharashtra & Ors.

..... Respondents

Mr.Darryl Pereira, a/w. Mr.V.S.Deokar for the Petitioners in both writ petitions.

Mr.N.C.Walimbe, A.G.P. for the State in Writ Petition No. 1138 of 2021.

Mrs.P.J.Gavhane, A.G.P. for the State in Writ Petition No. 1139 of 2021.

CORAM: R. D. DHANUKA AND

R.N.LADDHA, JJ.

DATE : 9th DECEMBER, 2021

P.C:-

Rule. Mr.N.C.Walimbe, A.G.P. for the State waives service in Writ Petition No. 1138 of 2021. Mrs.P.J.Gavhane, A.G.P. for the State

waives service in Writ Petition No. 1139 of 2021. By consent of parties, both these petitions are heard finally.

2. By these two petitions filed under Article 226 of the Constitution of India, the petitioners seek writ of mandamus directing the respondent nos.1 to 4 to issue/pay the salary/grant to the petitioner school as per Government Resolution dated 2nd July, 2016.

3. Mr. Walimbe, learned A.G.P. for the respondent invited our attention to the averments made in the affidavit in reply dated 1st September, 2021 and more particularly in paragraphs 2 to 5 and would submit that 20% grant was declared to the petitioner school but in the meantime the said school was shifted from Solapur (South) to Badgi Akkalkot in Writ Petition No. 1138 of 2021 and the school in Writ Petition No. 1139 of 2021 from Shrikrushna Shikshan Prasarak Mandal Akkalkot to Matoshri Lashmibai Mhetre Vidyalay Sadlapur, Akkalkot to Shri Bhairvnath Shikshan Prasarak Mandal Kanhapuri, Pandharpur. For transfer of the said schools, the sanction from the Government is required and that sanction was not given by the Government for transfer to any of the said schools. The said schools were shifted for

various reasons.

4. In paragraphs 4 and 5 of the affidavit, it is stated that the petitioners are required to follow the procedure setout therein and if the same is followed for further process, the said proposal would be sent to the Director (Secondary and Higher Secondary), Maharashtra, Pune.

5. Learned counsel for the petitioners on instruction states that the petitioners are ready and willing to follow the procedure setout in paragraphs 4 and 5 of the said affidavit within three weeks from today without fail. Statement is accepted.

6. Upon the petitioners complying with the said procedure within the time prescribed, the respondents shall process the said proposal within four weeks thereafter and pass appropriate order in accordance with law. The order that would be passed would be communicated to the petitioners within one week from the date of passing of the said order. If the proposal is accepted by the respondents, the consequential benefits shall be granted to the petitioners within eight weeks thereafter. If the proposal is rejected, the petitioners would be at liberty to file appropriate proceedings.

7. It is made clear that this Court has not expressed any views on the merits of the matters. All contentions of both the parties are kept open.

8. Writ petitions are allowed in the aforesaid terms. Rule is made absolute in both the matters. No order as to costs.

[R.N.LADDHA, J.]

[R.D.DHANUKA, J.]