

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3385 OF 2021

Vishwakrupa Vidya Pratisthan & Anr. ... Petitioners

Versus

The State of Maharashtra & Ors. ... Respondents

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Mr. N.V. Bandiwadekar a/w Mr. Vinayak Kumbhar i/b Ashwini N.
Bandiwadekar for the Petitioners.

Mr. N.C. Walimbe, A.G.P. for the State.

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**CORAM : R.D. DHANUKA &
R.I. CHAGLA, JJ.**

DATE : 9th AUGUST, 2021.

P.C. :-

1 Heard learned Counsel for the parties.

2 Rule. Learned A.G.P. waives service for the Respondents.

Heard finally by consent of the parties.

3 By this Petition filed under Article 226 of the Constitution
of India, the Petitioners are seeking a writ of certiorari for quashing

and setting aside the impugned order dated 14.09.2016 passed by Respondent No.2 on 29.04.2021 and for further direction to continue to release 20% grant-in-aid for payment of monthly salary to seven teachers working in the Petitioner No.2- Junior College together with arrears w.e.f. 01.03.2021.

4 By an order dated 03.08.2021 this Court had directed the learned A.G.P for the Respondents to take instructions whether the impugned order dated 20.04.2021 annexed at page 70 to the Petition can be withdrawn and the matter be remanded back before the Director of Education (Secondary and Higher Secondary). Pursuant to the said order dated 03.08.2021, the learned A.G.P submits letter dated 09.08.2021 signed by Junior Administrative Officer with copy to the Deputy Director of Education, Pune. By this letter, the Respondents have agreed for remand of the matter and to pass appropriate directions after hearing to the Petitioners to that effect. The letter dated 09.08.2021 is taken on record.

5 In view of the statement made by the Respondent No.3 in the said letter dated 09.08.2021, we pass the following order :

- i) The impugned order dated 20.04.2021 is quashed and set aside.

ii) The matter is remanded back to the Respondent No.2 for taking decision after hearing the Petitioners within a period of four weeks from today.

iii) The Petitioners shall appear on 24.08.2021 at 11.00 a.m. before the Respondent No.2- The Director of Education, prior to which the Respondent Nos.2 and 3 shall submit the documents on which the Respondent Nos.2 and 3 are relying upon to the Petitioners to enable the Petitioners to file appropriate reply within one week thereafter before the Respondent No.2.

iv) The procedure of submitting documents to the Petitioners by Respondent Nos.2 and 3 shall be completed within a period of one week thereafter.

v) Respondents shall release 20% grant-in-aid for payment of monthly salary to the seven teachers working in the Petitioner No.2- Junior College together with arrears w.e.f. 01.03.2021, within a period of two weeks from the date of this order subject to the outcome of the hearing before the Respondent No.2- Director of Education.

vi) In the event, the order of the Respondent No.2-Director of Education is against the Petitioners, the order shall not be acted upon against the Petitioners for a period of two weeks from the date of communication of the order which is to be communicated within a period of one week from the date of passing such order.

6 Writ Petition is disposed of in the aforesaid terms. Rule is made absolute.

7 All contentions of both the parties are kept open.

(R.I. CHAGLA, J.)

(R.D. DHANUKA, J.)