

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 328/2021.

Sunil Chandrashekhar Akant. ... Petitioner.

-VERSUS-

1.The Deputy Director of Education,
Nagpur Division, Nagpur and others. ... Respondents.

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Shri P.S. Parsodkar, Advocate for the Petitioner.

Ms. K. Deshpande, Assistant Government Pleader for
Respondent No.1.

Shri A. Parchure, Advocate for the Respondent No.2.

Shri O.A. Ghare, Advocate for the Respondent No.3.

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**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATE : 23 FEBRUARY 2021.

P.C.

Heard learned Counsel for the Parties.

2. The Petitioner is aggrieved by the communication dated 25 November 2020 annexed as Annexure-VII to the Writ

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Petition. By this communication, a direction has been issued to correct the school profiling by changing the names of the office bearers of Shri Samarth Ramdas Shikshan Sanstha, Amgaon.

3. It is not necessary for us to detail the facts as the learned Counsel for the parties are *ad idem* that the application of the Respondent No.3 upon which this order came to be passed, were not quasi judicial proceedings. Further there is complete confusion as to identity of the author of the order, as the letter head of the order refers to Deputy Director of Education and the order is signed by the President of the Grievance Redressal Committee and also by the Divisional Chairman of the Maharashtra State Secondary and Higher Secondary Education Board.

4. As regards the Grievance Redressal Committee is concerned, admittedly this issue does not fall within the jurisdiction. It does not fall within the jurisdiction of the Divisional Chairman to conduct a quasi judicial proceeding and delve into the matters which are within the domain of the Charity Commissioner.

5. In view of these circumstances, the impugned order/communication cannot be sustained. The same is quashed and set aside. It is open to the Respondent No.3 to make an

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application regarding the names of the persons for the school profiling to the appropriate Authority, which will be decided within the ambit of the applicable Rules and Regulations. If such an application is made, the contention of the Petitioner and Respondent No.3 are kept open.

6. Writ Petition is accordingly disposed of.

7. We make it clear that we have set aside the impugned order/ communication in above circumstance and have not adjudicated merits of the rival contentions.

(ANIL S. KILOR, J)

(NITIN JAMDAR, J)

Rgd

**Rakesh
Dhuriya**

Digitally signed
by Rakesh
Dhuriya
Date: 2021.02.26
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