

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 6076 OF 2019

Sufiya Unique Muslim Mahila Welfare
Education Society

-- Petitioner

vs.

State of Maharashtra and others

-- Respondents

Mr. S. M. Vaishnav, Advocate for the Petitioner.
Ms. Kalyani Deshpande, Assistant Government
Pleader for Respondent Nos. 1 and 2.

CORAM : NITIN JAMDAR &
ANIL S. KILOR, JJ.

DATED : 13 January 2021

P. C. :

Heard learned counsel for the parties.

2. The Petitioner Educational Institute had submitted a proposal for grant of new school from Standard 8th to 10th on 12 May 2009. The proposal was rejected on 12 March 2010. Writ Petition was filed by the Petitioner bearing No. 4029 of 2010, which was disposed of on 25 August 2011, directing the Respondent Authorities to pass a fresh order. By order dated 23 December 2011, the Principal

Secretary for School Education and Sports Department had reiterated its earlier rejection referred to pendency of Writ Petition No. 6727 of 2010 and directed that an inspection be carried out. The Petitioner did not challenge the order, nor the inspection was conducted.

3. The learned counsel for the Petitioner submits that subsequently on 29 June 2016, permission is granted by the Education Officer (Primary), Zilla Parishad, Amravati for starting 8th Standard for the year 2014-2015 on non-grant basis.

4. It is the contention of the Petitioner that in view of this development and the grant for 8th Standard, there should be no impediment for the Respondent Authorities to permit the Petitioner to conduct classes for 9th and 10th Standard as well. Learned counsel for the Petitioner submits that if the Petitioner submit a proposal for starting 9th and 10th Standard classes, it might be rejected on the basis of the earlier orders passed.

5. The Petitioner has not made such an application as yet. Therefore, it is not possible to comment as to what would be the outcome. If there is

a change in circumstance then the Authorities can always scrutinize the application of the Petitioner afresh and take a decision as per law. If the position has not changed, Authorities can always take a decision as per law. Therefore, the apprehension of the Petitioner at this stage is unwarranted.

6. No further orders can be passed. The Writ Petition is disposed of accordingly.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]