

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

WRIT PETITION NO.5865/2019

Shri Dnyaneshwar Mauli Lok Shikshan Prasarakmandal, through its Secretary
and another

..Versus..

State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders or directions
and Registrar's orders

Court's or Judge's orders

Mrs. Ujjwala A. Patil, Advocate for the petitioners.
Mr. M.R. Johrapurkar, Advocate for respondent Nos.4 to 6.
Ms S.S. Jachak, A.G.P. for respondent Nos.1 to 3.

**CORAM : DIPANKAR DATTA, C.J. &
A.S. CHANDURKAR, J.**

DATE : JULY 23, 2021

1. The petitioners complain that the respondents 4 to 6 have been admitting students in the relevant school in violation of certain Government Resolutions. This allegation of the petitioners is disputed by the respondents 4 to 6 by pleading that the Government Resolutions, referred to by the petitioners, do not pertain to a school imparting education to students of Classes I to XII.

2. Our attention has been drawn to an affidavit filed by Shri Ulhas K. Narad, Education Officer (Secondary), Zilla Parishad, Wardha, in compliance with an order dated August 20, 2019 passed by a coordinate Bench of this Court. Based on such affidavit, Mrs. Patil, learned Advocate appearing for the petitioners contends that the allegations of the

petitioners have been found to be true and correct.

3. Mr. Johrapurkar, learned Advocate appearing for the respondents 4 to 6, however, has contended that a mechanism is made available by the Government Resolution dated May 27, 2013 to decide a complaint of the nature that the petitioners have raised in this petition. He submits, without admitting the allegations of the petitioners, that this Court may not embark upon an investigation into the complaint of the petitioners but relegate the petitioners to such mechanism on the ground that an efficacious alternate remedy is available to them.

4. Having heard learned Advocates for the parties as well as Ms. S.S. Jachak, learned A.G.P appearing for the State, we are of the considered opinion that if indeed the respondents 4 to 6 have failed to abide by any mandatory provision of any Government Resolution, it is open to the petitioners to explore the remedy provided by the mechanism envisaged in the aforesaid Government Resolution dated May 27, 2013; and if any such approach is made before the competent authority by the petitioners, we have no doubt in our mind that such complaint shall be considered and disposed of, in accordance with law, expeditiously by the competent authority upon notice to the respondents 4 to 6.

5. With the aforesaid observations, the writ petition is disposed of. No costs. All contentions are left open.

(A.S. CHANDURKAR, J.)

(CHIEF JUSTICE)