

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO.11093 OF 2022

ADHAR BALAKASHTRAM BALGRAH LATUR RUN BY MAHER BAHU
UDDESHIYA MAHILA MANDAL THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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AND
1 WRIT PETITION NO.11218 OF 2022

CHHATRAPATI SEVABHAVI SANSTHA TALWADA SANCHALIT
THROUGH ITS PRESIDENT SURESH DNYANOBA HATTE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

AND
2 WRIT PETITION NO.11219 OF 2022

JYOTIBA SHIKSHAN PRASARAK MANDAL THROUGH ITS
SECRETARY AJEET MOTIRAM WARPE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

...

AND
3 WRIT PETITION NO.11220 OF 2022

JYOTIBA SHIKSHAN PRASARAK MANDAL THROUGH ITS
SECRETARY AJEET MOTIRAM WARPE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. S.S. Thombre
AGP for Respondents: Mr. S.G. Karlekar

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 10th NOVEMBER, 2022.**

PER COURT :-

1. The petitioner Adhar Balakashram (Balgrah), Latur has put forth prayer clauses "B", "C" and "D" as under:-

- "B) By issuing appropriate writ, order or directions in the like nature, the impugned order/letter dated 17.08.2021 passed/ issued by the respondent No.2/ the Commissioner, Woman and Child Welfare, Maharashtra State Pune thereby rejecting the proposal of the petitioner may kindly be quashed and set aside and for that purpose issue necessary orders.
- C) By issuing writ of mandamus or any other appropriate, writ, order or directions in the like nature, the respondent Nos. 1 and 2 may kindly be directed to renew the license of the petitioner pursuant to the proposal submitted by the petitioner and for that purpose issue necessary orders.
- D) By issuing writ of mandamus or any other appropriate, writ, order or directions in the like nature, the respondent authorities may kindly be directed to allot the inmates to the petitioner till the competent authorities decide the proposal of the petitioner for renewal of the license and for that purpose issue necessary orders."

2. It is pointed out that the coordinate Bench of this Court has delivered a judgment dated 8.9.2022 in writ petition No. 7832 of 2011 filed by Mother Teresa Balakashram vs. State of Maharashtra and others at Aurangabad. Considering the view taken in the said judgment, this court has passed an order on 10.10.2022 in writ petition No. 10317 of 2022 filed by Rajeshre Shahu Bahuuddeshiya

Gramin Vikas Sanstha vs. The State of Maharashtra and others.

3. The learned A.G.P. submits that he would not argue against the law laid down by this court. The learned advocate for the petitioner submits that directions issued in the above referred orders can be made applicable to this case as the proposal of the petitioner, seeking renewal of licence, is pending.

3. Considering the above, we are reproducing the order/ direction of this Court, passed in ***Mother Teresa (supra)*** and ***Rajeshree Shahu Bahuuddeshiya Gramin Vikas Sanstha (supra)***, as under:-

“4. In view of the above, both these writ petitions are disposed off.

5. Needless to state, respondent No.2 shall initiate steps to take a decision on the proposals of the petitioners and in the event of any shortcomings, he would grant time to the petitioners to rectify the shortcomings. After such rectification, the petitioners would approach respondent No.2 with the rectified proposals within four weeks and thereafter, respondent No.2 would take a final decision on the proposals within sixteen (16) weeks from today.”

4. The writ petition No. 11093 of 2022 is accordingly disposed off with the above directions.

5. In writ petition Nos. 11218 of 2022, 11219 of 2022 and 11220 of 2022, a similar issue is involved. These matters were not on board. By consent of the parties, they are taken on the production board.

6. The learned A.G.P. submits that the only difference between these three matters and the first matter, in which the above order has been passed, is that the proposals in all these three matters for seeking renewal of certificate of registration, are pending. The proposals can be decided within four months. The learned advocate for the petitioners submits, on instructions, that the petitioners are satisfied.

7. In view of the above, these petitions are disposed off. We except, respondent No.2 to deal with the proposals of these petitioners, on their own merits and pass appropriate orders, on or before 15.03.2023.

8. Needless to state, in all these matters, if any deficiencies are noted by the Government, the same shall be intimated to the petitioners in order to enable them to take steps to remove the said deficiencies.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)