

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

143 WRIT PETITION NO.11755 OF 2022

RAMKSRI SHAN SEVA BHAVI SANSTHA THROUGH ITS
PRESIDENT BABULAL DHENA PAWAR AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Panpatte V S
AGP for Respondents : Mr. S G Sangle

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CORAM : RAVINDRA V. GHUGE & SANJAY A. DESHMUKH, JJ.
Dated : December 02, 2022

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PER COURT :-

1. The petitioners have put forth prayer clauses B, C and D as under :-

“B. By a writ of Mandamus or any other appropriate writ or direction in the like nature, respondents be directed to grant permission to the petitioner no.2-School to run 8th standard from the year 2016-17 on no grant-in-aid basis.

C. By a writ of mandamus or any other appropriate Writ or direction in the like nature, the respondent may please be directed to grant permission to the petitioner no.2 School to run 8th standard on no grant-in-aid basis from the academic year 2016-2017 by way of natural growth as per the policy of the State Government was in existence at the relevant time.

D. By a writ of mandamus or any other appropriate writ or direction in the like nature, the application/proposal dated 26.5.2016

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requesting to grant permission to run 8th standard attached to the school namely Swami Vivekanand Primary School, Pangari, Gosavi, Tq. Mantha, Dist. Jalna run by the petitioner institution may kindly be granted.”

2. This petition has been filed on 15.10.2022. The learned Advocate for the petitioners submits on instructions that, the petitioners would be satisfied, if the appropriate authorities i.e. the respondent nos.1 and 2 are directed to consider the request of the petitioners to permit the Trust to run 8th standard Academic Course by way of natural growth on “non-grant-in-aid” basis for the academic year 2023-2024. The learned counsel for the petitioners submits that, the State should not apply the provisions of the ‘Self Finance Act’ to the petitioners.

3. The learned AGP submits that, there cannot be a caveat on the decision making authority of the State Government. If the petitioners claim to start the 8th standard from the academic year 2016-2017, as a part of natural growth, the State Government would consider the said proposal on its merits and in accordance

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with the policies of the State Government. He states that there can be no assurance.

4. In view of the above, by consent of the petitioners, this petition is disposed off.

5. We expect that respondent nos.1 and 2, in co-ordination with each other, will decide the proposal dated 28.6.2017 of the petitioners forwarded by the Chief Executive Officer, Zilla Parishad, Jalna to the respondent no.2. If the proposal is still alive and no decision as yet is delivered on the said proposal, the authority would consider the said proposal for the academic year 2023-2024 onwards and shall decide the said proposal on or before 15.2.2023. In the event of the said proposal being rejected, the order of rejection should be intimated to the petitioners immediately, so as to enable the petitioners to avail of a remedy as may be permissible in law.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)

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aaa/-