

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

55 WRIT PETITION NO.14732 OF 2021

ONKAR MAHILA MANDAL THROUGH ITS PRESIDENT SMT.
VIMALBAI VENKATRAO DESHMUKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Mohekar Ganesh V.
AGP for Respondent/s-State : Mr. S. G. Karlekar.
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**CORAM : A. S. GADKARI, AND
S. G. MEHARE, JJ.**

DATE : 03.01.2022

PER COURT :-

1. It appears from the record that the proposal submitted by the petitioner for permission to open a school i.e. "New Primary School, Bode Nagar, Latur, Taluka and District Latur" has not been favourably considered by the respondents, till date. Basic proposal submitted by the petitioner was of the year 2000 and after coming into effect of the Right of Children to Free and Compulsory Education Act, 2009, as per the contention of the learned counsel for the petitioner, again the proposal was sent and the respondents have not favourably considered the same till today. It is, therefore, prayed that this

Court may issue a writ of mandamus to direct the respondents to grant permission / recognition to the said school.

2. We are not in agreement with the arguments advanced by the learned counsel for the petitioner as the relief claimed by the petitioner seeking direction to the respondents for granting permission / recognition to the school cannot be granted by exercising jurisdiction under Article 226 of the Constitution of India. According to us, it is the administrative function of the respondents, which the respondents may perhaps performed. However, taking into consideration the fact that the respondents till date have not favourably considered the proposal of the petitioner, according to us, amounts to its rejection.

3. In view of the above, we find no merits in the present petition. Petition is accordingly dismissed in *limine*.

(S. G. MEHARE, J.)

(A. S. GADKARI, J.)

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vmk/-