

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12392 OF 2019

Rashtrasant Tukdoji Maharaj Bahuuddeshiya Sanstha's
Jet Kids International School
Dharmapuri, District Parbhani
Through its authorized Officer
Amol S/o. Manikrao Deshmukh,
Age. 32 years, Occ. Service,
R/o. Pedgaon, Tq. And Dist. ParbhaniPetitioner

Versus

1. The State of Maharashtra
Through the Secretary for
Tribal Development Department,
Mantralaya, Mumbai
2. The Commissioner,
Tribal Development, Nashik,
District Nashik
3. The Additional Commissioner,
Tribal Development, Amravati
District Amravati
4. The Project Officer,
Integrated Tribal Development Project
Aurangabad, Dist. Aurangabad
5. The Project Officer,
Integrated Tribal Development Project
Kalamnuri, Tq. Kalamnuri,
District Hingoli
6. The Project Officer,

Integrated Tribal Development Project
Pusad, Tq. Pusad,
District Yeotmal

....Respondents

Advocate for Petitioner : Mr. V.D. Hon Senior Counsel
i/b. Mr. A.V. Hon
AGP for Respondents : Mr. A.S. Shinde

**CORAM : C.V. BHADANG &
SANDIPKUMAR C. MORE, JJ.**

DATE : 19 JULY, 2022.

ORAL JUDGMENT [PER : C.V. BHADANG, J.] :-

Rule made returnable forthwith. Learned AGP waives service for the respondents. Heard finally by consent of parties.

2. The challenge in this petition is to the communication / order dated 9 July, 2019, passed by respondent No. 3 thereby, canceling the approval / recognition granted to the petitioner – School as a ‘reputed school’ purportedly on the ground of the non compliance of the relevant guidelines and for want of necessary infrastructure / facilities.

3. We have heard the Mr. learned Senior Counsel Mr. Hon for the petitioner and Mr. Shinde, learned AGP for the respondents. Perused record.

4. It is contended on behalf of the petitioner that the

approval / recognition was granted to the petitioner as a 'reputed school' in the year 2015. This was in pursuance of a scheme of the Government for creation of facilities and opportunities to the students belonging to the scheduled tribes to get education in reputed schools of English medium. It appears that a meeting was held by the concerned officers of the Tribal Development Department of the Maharashtra State on 15 March, 2019, in which the impugned decision was taken of cancellation of the approval / recognition, pursuant to which the impugned communication dated 9 July, 2019, was issued.

5. The principal contention on behalf of the petitioner is that there was no opportunity of hearing granted and none of the alleged short comings or requirements of the infrastructure / facilities were pointed out to the petitioner and, therefore, the impugned order is in flagrant breach of the principles of natural justice.

6. Learned AGP referring to the reply filed, has submitted that thrice inspection of the school was carried out and a show cause notice was issued on 1 December, 2018, which is annexed to the reply filed by the respondents. He, therefore, submitted that there is no breach of principles of natural justice.

7. We have considered the submissions made in the context of the record produced.

8. We find that the office of respondent No. 3 had

conducted the visits and inspection of the petitioner – School on 7 January, 2019, 16 January, 2019 and a report was submitted by the Project Officer on 16 January, 2019. Subsequently, on the direction of the Hon'ble Minister, yet another visit / inspection was done on 7 November, 2019, and thereafter on 9 September, 2019, in which, the petitioner – School is alleged to have secured 32 marks out of 100 marks and in that view of the matter, the recognition was cancelled.

9. We, however, find that after these inspections were done and the reports were submitted by the Project Officer, there is no show cause notice, to the petitioner enclosing the copies of the such reports of the Project Officer and requiring the petitioners to file a reply and to grant opportunity of hearing. The notice which is pointed out, on behalf of the State, is much prior thereto, i.e. on 1 December, 2018.

10. In that view of the matter, we find that the impugned action is in breach of the principles of natural justice and cannot be sustained. The petition is therefore, partly allowed. The impugned order / communication is hereby set aside.

It would, however be open to respondent No. 6 to issue a show cause notice to the petitioner after enclosing the various reports of the project officer and any other documents on which reliance is proposed to be kept and after granting opportunity to the petitioner of filing a reply and hearing, if any, a decision may be taken in accordance with law.

11. Rule is made absolute in the aforesaid terms with no order as to costs.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.

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