

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

926 WRIT PETITION NO.11642 OF 2022

SHRI SEVADAS SHIKSHAN PRASARAK MANDAL,
THROUGH ITS SECRETARY BALIRAM JIVANRAO
RATHOD

VERSUS

THE STATE OF MAHARASHTRA, THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS

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Ms Akshara Madake, Advocate h/f Mr S. S. Thombre, Advocate
for petitioner;

Mr S. K. Tambe, A.G.P. for respondents/State

CORAM : RAVINDRA V. GHUGE

AND

SANJAY A. DESHMUKH, JJ.

DATE : 23rd November, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (B) and (C),
which read as under:-

“(B) By issuing a writ of mandamus, orders, directions or any other appropriate writ in the like nature, direct the respondent No.2 to decide the proposal to grant renewal Certificate of Registration to the child care home run by the petitioner society at Lendewadi, Tq. Parali V, District Beed which is pending since 2018 and for that purpose, issue necessary orders;

(C) Pending hearing and final disposal of this writ petition, direct the respondent No.3 to

(2)

permit/allow the inmates of the child care home run by petitioner society for further studies, by granting renewal of the Certificate of Registration, in terms of the provisions of the Act of 2015, which granted earlier in favour of the child care home run by the petitioner society;”

2. It is pointed out that the Co-ordinate Bench of this Court has delivered a judgment dated 08/09/2022 in Writ Petition No.7821 of 2021, filed by Mother Teresa Balakashram vs. State of Maharashtra and others and connected petitions, 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 Rajashri Shahu Bahuddeshiya Gramin Vikas Sanstha vs. The State of Maharashtra and others and connected petition.

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.

4. Considering the above, we are reproducing the order/direction of this Court, passed in ***Mother Teresa (supra)*** and

Rajashri Shahu Bahuddeshiya 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.”

5. In view of the above, this petition is disposed off. We expect, respondent No.2 to deal with the proposal of the petitioner, on it's own merits and pass appropriate orders, on or before 30.03.2023.

6. Needless to state that, in this matter, if any deficiencies are noted by the Government, the same shall be intimated to the petitioner, in order to enable it to take steps to remove the said deficiencies.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)