

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 3960 OF 2022

Kailaswasi Bhuvsaheb Patil Shikshan
Prasarak Mandal Manpadale and Anr. ... Petitioners

Versus

The State of Maharashtra
thr. School Edu. & Sports Dept & Ors. ... Respondents

Mr. Tanaji Mhatugade for the Petitioners.

Mrs.S.S.Bhende, AGP for the State-Respondent Nos. 1 to 3.

Mr. Avinash Belge for Respondent Nos. 4 to 6 and 8 to 12.

CORAM : S.V. GANGAPURWALA &

R.N. LADDHA, J.J.

DATED : 5th SEPTEMBER 2022

P.C. :-

1. Heard learned counsel for the petitioners and respondent and learned AGP.

2. The petitioners assailed order dated 15th March 2022 directing the teaching staff and non teaching staff to remain present for absorption and counseling. The petitioners also assailed order dated 28th February 2022 wherein the Director of Education has concluded that petitioners institution has zero student and still teaching and non teaching staff is being paid entire salary.

3. It is contention of learned counsel for the petitioners that the school even at the relevant time had 8 students. The order itself suggest accommodating students of the petitioners'

school in some other school meaning thereby that the students existed in the school run by the petitioners. Learned counsel further submitted that for the current year there are 19 students. According to the learned counsel, school is functioning since long time and the staffing pattern and report of inquiry committee shows that school had 82 students.

4. Learned counsel for the petitioners submits that the students are available in the petitioners' school, as such respondents should provide teaching and non teaching staff if petitioners staff is declared surplus.

5. Learned counsel for respondent nos. 4 to 6 and 8 to 12 submits that the school has no student. The school lacks basic amenities and facilities. The petitioners have taken objection to the committee report and on their objection fresh committee was constituted. The fresh inspection was carried out and report was submitted. Report specifically states that the basic amenities are not available with the school so also students are not available.

6. Learned AGP submits that the order is passed after verifying the record and report of the committee.

7. If we consider the report of the committee dated 28th February 2022, same depict sorry state of affairs in the petitioners school. In the said report it is stated that basic amenities are also not provided by the school.

8. Be that as it may; in the present Writ Petition we are not concerned with the said report at present. Today there is no order passed for de-recognizing the petitioners school. The same would not be subject matter of consideration.

9. The other issue is with regard to the number of students. There are two reports which suggest that there are zero students and in one of the report it is submitted that 8 students who are appearing are not from the same place. There is word against word. However, report suggest that no students are available.

10. It is for the petitioner to convince the authorities with regard to the availability of the students. In that regard the petitioners may approach authority for that purpose.

11. Writ Petition is accordingly disposed of. No costs.

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(R.N.LADDHA, J.)

(S.V. GANGAPURWALA, J.)