

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 2390/2021

Sanjay Sakharam Padghan and anr.

..VS..

State of Maharashtra and ors.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri P.N. Shinde, Advocate for the petitioners
Shri A.M. Deshpande, AGP for respondent nos. 1, 3 and 4/State
Shri M.L. Vairagade, Advocate for respondent nos. 2 and 5.

CORAM : A. S. CHANDURKAR AND
SURENDRA P. TAVADE, JJ.

DATED : 05/01/2022

By this writ petition, the petitioners pray that respondent nos. 4 and 5 be directed to upload the details of students who are taking education in the school that is being run by the petitioners and further to supply login-id and user-id to facilitate the uploading of necessary information and the names of the students studying in the school.

2. It is the case of the petitioners that pursuant to the permission granted for running the said school, the students are taking education therein. However, without any reason the authorities have refused permission to the concerned students to appear for Secondary School Certificate Examination. It is in that backdrop that the petitioners have approached this Court.

3. The learned Counsel for the petitioners has sought to rely upon the information that was supplied by the School Education and Sports Department on its portal to indicate that in October 2018 about 125 students were registered and taking education in Standards 6th to 10th of the said school. This indicated that the school was functioning. On this basis, it is submitted that there was no justification on the part of the authorities to refuse permission to the school so as to enable the students to appear for the Board Examination.

4. In the reply filed by respondent nos. 2 and 5, reference is made to an Inquiry Report pursuant to the visit of five members of an Enquiry Committee on 23.03.2021 that was constituted to inspect the school. As per this report, the school in question was not functioning and no students were taking education therein. It was recommended that the recognition of the said school be withdrawn from the Academic Session 2020-2021.

5. Perusal of the aforesaid report, *prima facie*, indicates that no students are taking education therein. The documents relied upon by the petitioners pertain to the earlier period of October 2018. There is no material placed on record subsequent to such inspection that was carried out by the concerned Committee on 23.03.2021.

6. In the light of the said Inquiry Report, we are not inclined to grant the prayer made in the writ petition.

The writ petition, therefore, is **dismissed**. No costs. Pending Civil Applications, if any, are also disposed of.

7. It is open for the petitioners to challenge the said Inquiry Report, if they are aggrieved by the same, in accordance with law. The validity of the same is kept open.

JUDGE

JUDGE

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