

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 1621/2015

Dharmarao Shikshan Mandal Aheri,
the Charitable Institution Registered under Bombay
Public Trust Act, 1950 bearing Registration No.F-65©
dated 28.06.1962 and Registered under Society
Registration Act, 1860 No.B-44 (Vidarbha)
Rajmata Rajkuwarbai Chowk, Rajmahal Marg,
Aheri-442705, District Gadchiroli
Through Raje Ambrishrao Raje Satyavanrao,
President of Institution, Aged 27 years.

PETITIONER

-VERSUS-

1. The State of Maharashtra,
through the Government Pleader,
High Court, Bombay.
2. The Secretary, Tribal Development,
Government of Maharashtra, Mantralaya, Mumbai.
3. The Commissioner,
Tribal Development, Nasik.

RESPONDENTS

Shri N.D. Khamborkar, counsel for the petitioner.
Ms T.H. Khan, Assistant Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : OCTOBER 04, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

The challenge raised in this writ petition is to the Government Resolution dated 16.11.2012 passed by the Tribal Development Department of the State of Maharashtra whereby the recognition granted to the Ashram School being run by the petitioner came to be cancelled on permanent basis. This action was necessitated pursuant to the inspection carried out in the Academic Year 2009-10.

2. Initially on 17.11.2009 the Commissioner, Tribal Development Department passed an order cancelling the recognition of the Ashram School run by the petitioner. Against that order the petitioner filed an appeal before the State Government. By the order dated 20.05.2010 on the condition that all deficiencies would be removed, extension was granted for the Academic Year 2010-11. It appears that even thereafter the deficiencies were not removed as a result of which the order dated 24.01.2011 cancelling the recognition came to be issued. Against that order the petitioner preferred Writ Petition No.1496 of 2011. In that writ petition it was urged that due opportunity was not granted to the petitioner. Liberty was thus granted to the petitioner to make a representation to the State Government and the State Government was directed to re-consider the matter. On re-consideration it was noted that time to remove the deficiencies was extended till May-2012. Despite that the petitioner failed to remove the deficiencies as a result of which the Government Resolution dated 16.11.2012 cancelling the recognition of the Ashram School run by the petitioner came to be issued.

3. On hearing the learned counsel for the parties and on perusing the record of the present proceedings it is seen that when the writ petition was admitted on 08.02.2013 a limited interim direction was issued by permitting an interim arrangement so as to accommodate the students taking education therein. By a subsequent order it was found that no student was enrolled in the school run by the petitioner as a result of which no interim relief was granted in favour of the petitioner. In the meanwhile, the said school came to be allotted

to another institution and the petitioner sought to challenge that order by amending the writ petition. By the order dated 04.09.2017 the amendment was refused by observing that the petitioner could invoke other remedies as available.

4. We find that the recognition granted to the Ashram School run by the petitioner came to be withdrawn on 20.05.2010. Thereafter despite grant of opportunity to remove the deficiencies the petitioner failed to rectify them. In the subsequent inspection it was found that the deficiencies continued to exist. Taking these aspects into consideration the State Government cancelled the recognition *vide* the Government Resolution dated 16.11.2012. Since then the petitioner has not been running the said Ashram School which is now allotted to some other trust.

5. We find that the impugned Government Resolution has been passed on the basis of material available on record and we do not find any illegality in that regard. The deficiencies pointed out were not removed. We therefore find that there is no reason to interfere in writ jurisdiction. The writ petition is dismissed. However it is open for the petitioner to take necessary steps in accordance with law if it seeks allotment of an Ashram School.

Rule stands discharged. No costs.

(URMILA JOSHI-PHALKE, J.)

(A.S. CHANDURKAR, J.)