

IN THE HIGH COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH : NAGPURWRIT PETITION NO.2449 OF 2010

Jeevandeep Education Society,  
 through its Secretary, Vijay  
 Shrawanji Watkar, aged about  
 51 years, r/o Watkar Niwas,  
 Mahal, Nagpur.

... Petitioner

- Versus -

- 1) State of Maharashtra, through  
 its Secretary, Education Department,  
 Mantralaya, Mumbai-32.
- 2) Deputy Director of Education,  
 Nagpur Division, Nagpur.
- 3) The Education Officer (Primary),  
 Zilla Parishad, Nagpur.
- 4) Mangaldeep Bahuuddeshiya  
 Shikshan Sanstha, Om Nagar,  
 Nagpur, through its President.

... Respondents

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Mr. A.D. Mohgaonkar, Advocate for Petitioner.

Mr. A.A. Madiwale, Assistant Government Pleader for Respondent  
 Nos.1 and 2.

Mr. N.N. Thengre, Advocate for Respondent No.4.

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**CORAM : NITIN JAMDAR AND  
ANIL L. PANSARE, JJ.**

**DATE : 26 APRIL 2022**

**P.C. :**

The Petitioner has challenged the order passed by the Respondent No.2 Deputy Director of Education, dated 10 May 2010 cancelling the earlier order dated 9 January 2007. The subject matter of the present petition is 'Rajmata Indirabai Bhosale High School', which is conducted by the Petitioner Society at present. The dispute is between Petitioner and Respondent No.4 as regards conducting of the School.

2. The Petitioner Society was handed over the management of the School pursuant to the order passed by the Deputy Director of Education on 9 January 2007 and the School has now been conducted under the name 'Late Shrawanji Watkar Primary School'. The Petitioner started conducting the School pursuant to the order dated 9 January 2007 and upon complaint made by the Respondent No.4, by the order dated 10 May 2010 transfer of management of the School was cancelled.

3. The Petitioner filed the present petition immediately and while issuing notice on 18 May 2010, *ad interim* relief was granted in terms of prayer clause (2) of the petition, i.e. staying

the implementation of the order dated 10 May 2010. As a consequence, the Petitioner has been conducting the School since 2007. The Petitioner is, therefore, conducting the School for last about 15 years.

4. At this stage, giving effect to the impugned order based on the position of the year 2010 will be highly inequitable as it may affect staff as well as students taking education therein. We confirm the *ad interim* order and leave it open to the Respondent No.4 in case the Respondent No.4 so desires that the management of the said School be handed over to it setting out reasons for the Respondent No.2 to consider on its own merits taking into consideration the position as on today.

5. Accordingly, Rule is made absolute in terms of prayer clause (1) of the petition with the above observations and the liberty. No order as to costs.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)

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