

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

WRIT PETITION NO. 5564 OF 2022

Panchsheel Bahuddeshiya Sevabhavi Sanstha,
Aurangabad, Branch School – Buddhist International School,
Yerkheda, Tah. Kamptee, Dist. Nagpur,
through its Branch President Mr. Vijaypal s/o Bapurao Awle,
aged about 54 years, Occ. Private Work,
R/o at Bokhara, Post – Godhni (Railway), Nagpur.

PETITIONER

.....VERSUS.....

1. The State of Maharashtra,
through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai – 400032.
2. The Director of Education,
(Secondary & Higher Secondary),
Maharashtra State, Pune.
3. The Deputy Director,
Education Department,
Nagpur Division, Nagpur.
4. The Education Officer (Primary),
Zilla Parishad, Civil Lines, Nagpur.
5. The Block Education Officer,
Panchayat Samiti, Kamptee,
Tq. Kamptee, Dist. Nagpur.

RESPONDENTS

Shri S. Raisuddin, Advocate for the petitioner.
Shri A.M. Deshpande, in-charge Government Pleader for respondent Nos. 1 to
3/ State.
Shri Shaikh Majid, Advocate for respondent Nos. 4 and 5.

CORAM : A.S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 12, 2022

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

RULE. Rule made returnable forthwith and heard the learned Counsel for the parties.

2. The petitioner claiming to be a Minority Educational Institution has approached this Court seeking direction to decide the proposal dated 7/9/2017 that was moved by seeking permission to start a Secondary School.

3. On 22/11/2022, the learned in-charge Government Pleader for respondent Nos. 1 to 3 was granted time to obtain instructions as regards the period that would be required for considering that proposal. Today, a communication dated 12/12/2022 issued by the Director of Education, Pune has been tendered. The same has been addressed to the Deputy Director of Education, Nagpur. The same is taken on record and marked 'A' for identification. As per that communication, it is stated that within a period of four weeks, necessary steps would be taken on the said proposal.

4. Accepting the statement made in the aforesaid communication, the Writ Petition is disposed of by directing the respondents to consider the proposal dated 7/9/2017 within a period of four weeks from today and communicate the decision to the petitioner.

5. The submission made on behalf of the petitioner by relying upon the provisions of Section 10(3) of the National Commission for Minority Educational Institutions Act, 2004 that permission is deemed to be granted is noted. The petitioner is free to rely upon the same in case any adverse order is passed.

6. Rule is disposed of in the aforesaid terms. No costs.

(ANIL L. PANSARE, J.)

(A.S. CHANDURKAR, J.)

SUMIT