

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

WRIT PETITION NO.8660 OF 2018

{Falah-E-Milat Multipurpose Educational & Welfare Society, Shegaon,
Dist. Buldhana ..Vrs.. State of Maharashtra and Ors.}

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri N. R. Saboo, Advocate for Petitioner.
Ms N. P. Mehta, Assistant Government Pleader for Respondent No.1/State.
Shri R. D. Karode, Advocate for the Respondent Nos.2 to 7.

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

DATE : 17th AUGUST, 2022.

Heard.

2. The challenge raised in this writ petition is to the order dated 01.11.2018 passed by the Minority Development Department of the State of Maharashtra thereby withdrawing the minority status of the Society. Such minority status was granted to the Society on 05.03.2010.

3. The learned counsel for the respondent nos.2 to 7 has raised a preliminary objection to the maintainability of the writ petition on the ground that under Section 12B(2) of the National Commission for Minority Educational Institutions Act, 2004, remedy of appeal has been provided before the National Commission constituted under Section 3 of that Act.

4. On perusal of the aforesaid provisions, it becomes clear that the statutory remedy is available to the petitioner to challenge the impugned order.

5. In view of aforesaid, liberty to the petitioner to challenge the impugned order dated 01.11.2018 by filing proceedings before the National Commission is granted and the writ petition is not entertained. Since the impugned order was passed on 01.11.2018 and the writ petition was filed on 11.12.2018 which is within completion of period of thirty days of communication of the order, if such proceedings are filed before the National Commission within a period of three weeks from today, the same shall be entertained on merits without going into the question of delay. Keeping all points raised in the writ petition open and the petition alongwith the civil applications are disposed of.

(URMILA JOSHI-PHALKE, J.) (A. S. CHANDURKAR, J.)

TAMBE