

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

40 WRIT PETITION NO.6983 OF 2023

MATOSHRI PANAI SEVABHAVI SHIKSHAN SANTHA CHARITABLE TRUST
THROUGH CHAIRMAN ANILKUMAR VIRBHAN PAWAR
VERSUS
STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Chavan Sudhir K.
AGP for Respondents-State : Mrs. M. A. Deshpande

...
**CORAM : MANGESH S. PATIL &
SHAILESH P.BRAHME, JJ.**
DATE : 26.06.2023.

PER COURT :

Heard the learned Advocate for the petitioner and the learned AGP.

2. The petitioner Trust is aggrieved by the fact that Ashram School that was decided to be transferred to it but subsequently it was cancelled. It has preferred a statutory appeal which is pending with the Government and without any decision in their appeal, the Government is going ahead and has even published an advertisement on 21/06/2023, seeking applications from the institutes for running of the Ashram School.

3. The learned AGP, on instructions, submits that indeed the petitioners appeal is pending with the Government and it would be decided by the Hon'ble Minister in due course.

4. It is pointed out that by the Government Resolution dated 24/04/2018, the Government has resolved in respect of such Ashram Schools regarding whose transfers are subsequently cancelled and the appeals are pending with the Hon'ble Minister or the Government, to exclude such Ashram Schools from the advertisement inviting applications for their transfer.

5. When admittedly, the petitioner was allotted the Ashram School which order has been subsequently cancelled and it has preferred an appeal which is pending with the Government, it is imperative by virtue of this Government Resolution dated 24/04/2018, that the Ashram School to be excluded from advertisement inviting applications for transfer.

6. We dispose of the writ petition by directing that the process initiated by publication of advertisement dated 21/06/2023, inviting applications for transfer of the Ashram School in question, shall stand Stayed till the petitioner's appeal is decided on merits.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)