

Arun

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
WRIT PETITION NO. 2807 OF 2021**

Prabhakar Kashinath Thakare & Ors ...Petitioners  
*Versus*  
New Era Education And Welfare Soc Through Its President & Ors ...Respondents

---

**Mr Nitesh S Nevshe**, *for the Petitioner.*  
**Mr Momin E Kasim**, *President of Respondent No. 1, is present.*  
**Mr GB Walawalkar**, *i/b SP Thorat, for Respondent No. 2.*  
**Ms PN Diwan, AGP**, *for the Respondent-State.*

---

**CORAM    G.S. Patel &  
              Neela Gokhale, JJ.**  
**DATED:    29th March 2023**

**PC:-**

1.        The Petition is completely misconceived. The only prayer in the Petition is for what is styled as a writ of prohibition directing the Respondents not to shift a school from one village to another. The Petitioners claim to be parents of students in the school. Relief is sought against the 1st Respondent which is a trust registered and with its office in Bhiwandi, District Thane. It runs a school called New Era English High School and Junior College. It proposed for various reasons with which we are not concerned to shift the school from Gorsai village to Vanjarpatti village. The Petitioners object

ARUN  
RAMCHNDRA  
SANKPAL

Digitally signed by  
ARUN  
RAMCHNDRA  
SANKPAL  
Date: 2023.03.30  
10:21:50 +0530

saying that the alternate site is unsuitable. There are petrol pumps and a LPG dealership nearby. That may be so, but we fail to see what is the legally enforceable right that vests in the Petitioners to make such a demand. Equally, we are unable to see what is the constitutional or statutory duty of the 1st Respondent trust that is sought to be compelled.

2. This is apart from the fact that we do not believe that a writ can issue to the 1st Respondent at all because it is in no sense an instrumentality of the state.

3. The Petition is without merit. It is rejected.

**(Neela Gokhale, J)**

**(G. S. Patel, J)**