

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10692 OF 2023

Leela Education Society
Through its Chairman
Shri Manjunath V. Acharya and Anr. ... Petitioners

Versus

Tribal Development Department
State of Maharashtra and Ors. ... Respondents

INTERIM APPLICATION (St.) NO.25099 OF 2023
IN
WRIT PETITION NO. 10692 OF 2023

Ashok Nanu Chawhan ... Intervener
In the matter between
Leela Education Society And ... Petitioners
Anr.

Versus

Tribal Development
Department State Of
Maharashtra And Ors. ... Respondents

ALONGWITH
INTERIM APPLICATION (St.) NO.25097 OF 2023
IN
WRIT PETITION NO. 10692 OF 2023

Yogita Gangaram Patil ... Intervener
In the matter between
Leela Education Society And ... Petitioners
Anr

Versus

Tribal Development
Department State Of
Maharashtra And Ors. ... Respondents

ALONGWITH
INTERIM APPLICATION (St.) NO.25095 OF 2023
IN
WRIT PETITION NO. 10692 OF 2023

Kalpana Keshav Pagi ... Intervener

In The Matter Between:

Leela Education Society And
Anr.

... Petitioners

Versus

Tribal Development
Department State Of
Maharashtra And Ors

... Respondents

ALONGWITH
INTERIM APPLICATION (St.) NO.25088 OF 2023
IN
WRIT PETITION NO. 10692 OF 2023

Harichandra Pandhurang Moule ... Intervener

In The Matter Between :

Leela Education Society And
Anr.

... Petitioner.

Versus

Tribal Development
Department State Of
Maharashtra And Ors

... Respondents.

Mr.Sugandh B. Deshmukh, Advocate for the Petitioners.

Ms.R.A. Salunkhe, AGP for the Respondent Nos.1 to 6.

Mr.Shahen Pradhan, Advocate for Respondent Nos.9 to 12.

**CORAM : NITIN JAMDAR AND
MANJUSHA DESHPANDE, JJ.**

DATE : 10 October 2023.

P.C. :

Heard learned counsel for the parties.

2 The Petitioners had challenged the order dated 21 October 2023 issued by Respondent No.2–Additional Secretary, Tribal Development Department to Respondent No.5–Additional Commissioner, Tribal Development, Thane, and subsequent directions issued by the Additional Commissioner to the Project Officer Jawhar on 21 August 2023. The effect of this order is transfer of the students from Petitioner No.2–Residential School to other projects of Tribal Development Department.

3 The action was taken in view of certain shortfalls noticed by the Authorities in Petitioner No.2–School/Ashram Shala. When the Petition came up on Board on 29 August 2023, while granting time to the learned AGP we had directed the learned AGP to place on record any complaints received from the students or their parents. The directions to immediately transfer the students to new schools was deferred for a short duration. Thereafter, on 11 September 2023 the parents of some of the students intervened and following order came to be passed.

“ The learned AGP tenders reply affidavit. The learned AGP states that complaints made by the parents of the students is referred to and annexed to the reply. The learned Counsel for the Proposed Intervener states that they will take out an application as he states that he has received instructions to appear for some of the parents.

2. *Stand over to 25 October 2023*

3. *In the meanwhile, we clarify that if any of the students who wish to get themselves transferred to the new schools as ordered, they can approach the concerned Respondent–Project Officer and upon informing the Project Officer in writing, the Project Officer will take necessary steps in respect of transferring these students to the new school.”*

Thereafter, the Petition came up on Board and we were informed that those students who wanted to transfer to another school had approached the Project Officer and they will be suitably transferred.

4 It has been the stand of the Petitioners from the inception that there are no shortfalls as such, and if any, they are not of serious nature, and that if there are genuine shortfalls pointed out, the Petitioners will remove the same. In that context, during the pendency of the Petition, the Respondents have inspected the concerned school and has prepared a report which is furnished to the learned counsel for the Petitioners in the Court today. Therefore, it is for the Petitioners now, looking to the report to take efforts to remove the shortfalls pointed out, if not already removed, so that there is no further action. The earlier directions that if any students wishes to transfer themselves to another schools/Ashram Shala, they can approach the Project Officer who can place them in suitable schools, will continue.

5 With this position and direction given, the Writ Petition is accordingly disposed of.

6 All Interim Applications are disposed of.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)