

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

WRIT PETITION NO. 926 OF 2020

Adiwashi Vikash Bahuudeshiye Shikshan
Santha, Motegaon, Bearing Registration
No. MAH./4136-F, 3344, Akola, through
its President Shri Dattarao s/o Bhikaji
Dhande, Aged about 52 years,
Occupation – Agriculturist,
R/o At & Post – Mothegaon, Tahsil-
Risod, District – Washim.

.... **PETITIONER**

VERSUS

- 1) State of Maharashtra,
through its Secretary, Social Welfare
Department, Mantralaya, Mumbai.
- 2) Regional Deputy Commissioner,
Social Welfare Department, Amravati
Division, Amravati.
- 3) Assistant Commissioner,
Social Welfare Department, Washim,
District Washim.

.... **RESPONDENTS**

Mr. S.D. Chande, Counsel for the petitioner,
Mrs. Kalyani Deshpande, AGP for the respondents.

CORAM : ROHIT B. DEO & MRS. VRUSHALI V. JOSHI, JJ.
DATED : 17th APRIL, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

Heard. **Rule.** Rule made returnable forthwith.

2. The challenge in the petition is to the order dated 27-8-2019 issued by respondent 3-Assistant Commissioner, Social Welfare Department, Washim whereby the application preferred by the petitioner-society for permission to open Ashram School from 1st to 10th Standard is rejected.

3. We note from the affidavit-in-response filed on behalf of the respondents that the refusal of the permission is justified on the ground that by issuing Government Resolution dated 31-5-2006 the State Government took a policy decision not to approve new primary and secondary Ashram Schools for the children of the backward and disadvantaged workers of the Nomadic Castes.

4. The petitioner has filed rejoinder dated 17-1-2023 along with which is annexed Government Resolution dated 26-6-2008. According to the petitioner, the stand in the affidavit-in-response

supra is falsified by the fact that permission to similarly situated institution was granted in June, 2008.

5. We are not required to delve deeper inasmuch as the learned Assistant Government Pleader Mrs. Kalyani Deshpande fairly states that the issue can be remitted to respondent 1 to consider the application preferred by the petitioner afresh on its own merit, giving due weightage to the Government Resolution dated 26-6-2008 whereby permission to some other institution is granted.

6. We quash the impugned communication and remit the issue to respondent 1 for fresh decision, after hearing the petitioner and by recording reasons.

7. We expect the decision to be take within six weeks from the date of appearing before respondent 1.

8. Mr. S.D. Chande states that the representative of the petitioner shall appear before respondent 1 on 27-4-2023.

9. The petition is disposed of in the afore-stated terms.

(Mrs. Vrushali V. Joshi, J.)

(Rohit B. Deo, J.)

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