

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

WRIT PETITION NO.1941 OF 2020

Rajusingh Naik Shikshan Prasarak Mandal, Pusad, Dist. Yavatmal Thr. Secretary Atul P. Naik
-vs-
The State of Maharashtra, Thr. its Secretary, Dept. of OBC and Bahun Welfare, Mantralaya,
Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Rohit Joshi, Advocate for petitioner.
Shri A. S. Fulzele, Additional Government Pleader for respondent
Nos.1 to 4.
Shri V. N. Patre, Advocate for respondent No.5.

CORAM : A. S. CHANDURKAR AND MRS VRUSHALI V. JOSHI, JJ.
DATE : January 17, 2023

P.C.

The respondent No.5-Society is running an Ashram School whose recognition came to be cancelled under the provisions of Rule 109 of the Maharashtra Primary Education Act, 1949 read with paragraph 3.5 of the Ashram School Code. The said order was passed on 08/10/2018 by the Vimukta Jati, Scheduled Tribe, Other Backward Class and Special Backward Class Welfare Directorate of the State Government. Being aggrieved by that order, the respondent No.5 has preferred an appeal before the State Government-respondent No.1. In the said appeal, the Honourable Minister on 13/03/2020 passed an interim order and granted time to the respondent No.5 to remove the deficiencies by continuing the recognition for a period of six months. The petitioner-Society being aggrieved by the said order has challenged the same in the present writ petition.

After hearing the learned counsel for the parties, we find that the appeal in question is pending with the State Government. Presently there is no interim order operating in this writ petition. The interests of justice would be served by directing the respondent No.1 to decide the appeal preferred by the respondent No.5 in accordance with law and after giving an opportunity of hearing to all the concerned parties. The said appeal be decided within a period of eight weeks from receipt of copy of this order. The points raised in the writ petition and reply as well as the contentions of respondent No.5 are kept open for being urged before the respondent No.1.

The learned Additional Government Pleader to communicate this order to the respondent No.1.

With these directions, the writ petition is disposed of with no order as to costs.

Authenticated copy of this order be supplied to the counsel for the parties.

(Mrs Vrushali V. Joshi, J.)

(A. S. Chandurkar, J.)

Asmita