

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

WRIT PETITION NO. 2885/2019

Sarva Dharma Sambhav Shikshan Prasarak Mandal, Kendra (Bu.), Tah. Shengaon,
District Hingoli

Vs.

The State of Maharashtra and Ors.

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

Court's or Judge's order

.....
Mr. S. D. Chande, Advocate for Petitioner.

Mr. A. S. Fulzele, i/c. G.P for Respondent Nos.1 to 4/State.

CORAM : A.S.CHANDURKAR AND MRS.VRUSHALI V. JOSHI,JJ..

DATED : 14.06.2023

. Heard.

2. The challenge raised in this writ petition is to the order dated 23.03.2013 passed by the Deputy Director of Education, Amravati as confirmed by the Hon'ble Minister of School Education and Sports Department on 29.11.2018. As a result, the recognition of the school being run by the petitioner No.2 Society has been withdrawn for transferring the same without obtaining prior permission.

3. On hearing the learned Counsel for the parties, we find that the petitioner seeks to rely upon communication dated 23.07.2012 that has been issued by the Education Officer (Secondary) approving the transfer of the school from Chichamba Bhar to Mahur Wes. According to the Education Authorities, as per Clause 7.6 of the Secondary School Code, such permission has to be granted by the State Government and not by the Education Officer (Secondary). It is for this reason that the Authorities have held such

transfer to be not in accordance with the prescribed procedure. It is further urged that though the show cause notice was issued on 06.02.2013 to the petitioner No.1 Society, the School in question had been transferred to the petitioner No.2 Society on 27.02.2013 and hence the petitioner No.2 did not have sufficient opportunity. It is however seen in that reply to the show cause notice has been given by petitioner No.2 on 29.03.2013 and therefore it is clear that after giving due opportunity, the stand of the petitioner No.2 has been considered. The petitioner No.2 has relied on the communication dated 23.07.2012 issued while answering para No.1 of the show cause notice. It is thus clear that the transfer of the School from one place to another is without following the procedure prescribed by Clause 7.6 of the Code. We therefore do not find any reason to interfere with the impugned order. It may be noted that by the impugned order dated 29.11.2018 liberty has been granted to the petitioner No.2 to submit a fresh proposal for seeking permission to start a new school on self-finance basis. It is clarified that the petitioner No.2 is free to take such steps as are required to be taken for starting a new school by following the prescribed procedure.

4. With the aforesaid observations, the writ petition is disposed of. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(A.S.CHANDURKAR, J.)