

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

WRIT PETITION NO.4330 OF 2018

(Anwar Shah Shabbir Shah, Headmaster, Khwaja Garib Navaj Modern School, Selu Bazar, Tq. Mangrulpir, Dist. Washim Vs. State of Maharashtra thr. its Secretary, Department of Education and others)

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

Court's or Judge's orders.

 Mr. R. S. Kurekar, Advocate for Petitioner.
 Mr. S. M. Ukey, Addl GP for Respondents 1 and 2/State.
 Mr. Amol Deshpande, Advocate for Respondents 3 and 4.

CORAM: ROHIT B. DEO AND M. W. CHANDWANI, JJ.
DATE: 19th JULY, 2023.

The prayer clause in the petition read thus:

- (i) *Direct the respondent authorities, particularly Respondent No.3 – Education Officer (Primary), Zilla Parishad, Washim, to consider the representations dated 22.11.2017 and 27.12.2017 (Annexure-B) made by the petitioner and thereby supply the mid day meal to the students of the petitioner's school, in the interest of justice.*
- (ii) *Grant any other relief which this Hon'ble Court deems fit and proper in the facts and circumstances of the case.*

2. We repeatedly inquired from the learned counsel for the petitioner Mr. Kurekar whether there is any statutory provision or administrative circular or Government

Resolution which provides for a representation by an institution claiming to be a minority institution, for the benefits of the mid-day meal.

3. Nothing is brought to our notice to suggest that there is any right much-less statutory right to insist that the representation made be decided.

4. We note that there is no prayer whatsoever in the petition which seeks a writ, mandamus or any other order, directing the respondents to extend the benefits of the mid-day meal to the petitioner institution. The position of law is well settled. In writ jurisdiction, a prayer simplicitor that the representations which are made be decided, cannot be entertained unless the representation is made in exercise of a right which has statutory sanction, or a right which is available under the provisions of any circular or Government Resolution which binds the State Government.

5. We are not inclined to entertain this petition in which the only relief claimed is that the representation be decided since right to make representation is not shown to us to be a statutory right or right which is envisaged under any administrative circular or instructions.

6. The petition is dismissed.

(M. W. CHANDWANI, J.)

(ROHIT B. DEO, J.)

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