



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 6315 OF 2024

Saraswati Shaikshanik Pratishthan Va
Sevabhavi Sanstha Takli Through Its President
Shri Mukesh s/o Mohanrao Patil

...Petitioner

Versus

1. The State Of Maharashtra
Through The Secretary
School Education and Sports Department,
Mantralaya, Mumbai.
2. The Director of Education,
Secondary & Higher Secondary,
Maharashtra State, Pune.
3. The Deputy Director of Education,
Latur Division, Latur.
4. The Education Officer (Secondary),
Zilla Parishad, Nanded.
5. The Education Officer (Primary),
Zilla Parishad, Nanded.

...Respondents

...

Advocate for Petitioner : Mr. Rodge Krishna Pratap
AGP for Respondent/State : Mr. R.S. Wani

...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 27 JUNE 2024

PER COURT :

. Heard the learned advocate for the petitioner. He is coming
with the following prayers :

- A) The writ petition may kindly be allowed.
- B) Record and proceeding may kindly be called for.
- C) By issuing a Writ of Certiorari or any other appropriate writ, order or direction in the like nature, the impugned order dated 20.03.2024 passed by respondent No.3- Deputy Director of Education may kindly be quashed and set aside and for that purpose issue necessary orders.
- D) Pending hearing and final disposal of this writ petition, effect, execution, operation and implementation of the impugned order dated 20.03.2024 passed by respondent No.3- Deputy Director of Education be stayed.
- E) Pending hearing and final disposal of this writ petition, the respondents be restrained from taking any coercive action against the school run by petitioner- institution namely Vasavi International School Umardari, Tq. Mukhed, Dist. Nanded in pursuance of the impugned order dated 20.03.2024 passed by respondent No.3- Deputy Director of Education.
- F) Any other just and equitable relief may kindly be passed in favour of the petitioner.

2. Learned advocate for the petitioner submits that under Section 14 of the Maharashtra Self-Finance Schools (Establishment and Regulations) Act 2012, it is only the State Government which has power to cancel the recognition/permission, however by undertaking some inquiry, the Deputy Director of education by the impugned decision has concluded that such a course would be required to be undertaken for cancellation of recognition. He would submit that the decision was taken behind the petitioner's back. No opportunity of

being heard was extended. It would be against the principles of natural justice contemplated under Section 14 of the Act 2012.

3. The fallacy lies in the petitioner's stand to describe this impugned decision as an order cancelling the recognition. As can be noticed from the operative part, after some inquiry, albeit behind the back of the petitioner, the Deputy Director of Education has found certain circumstances which according to him are sufficient to resort to cancellation of the permission/recognition. He has not passed any order which is contemplated under Section 14 of the Act 2012. If at all he has merely recorded some observations against the interest of the petitioner contemplating some action under Section 14. It would be incorrect to say that the respondent/Deputy Director of Education has passed some order.

4. When section 14 independently confers only the State Government with the power to take decision regarding cancellation of recognition/permission by following the course contemplated therein, we are of the firm view that petition is premature. That stage is still to occur. Even when the Deputy Director of Education forwards some proposal, it would be imperative for the State Government to follow the course contemplated under Section 14. However till the time no final decision for de-recognizing the petitioner's school is taken, the petitioner will have no cause.

5. The impugned order is not an order which can be put to any

implementation much less against the interest of the petitioner. It is a matter of undertaking a process of collecting material and then forwarding a proposal to the State Government. The petitioner cannot expect to participate in such preliminary inquiry undertaken by the Department.

6. The petition being premature is dismissed.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..