



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

WRIT PETITION NO. 6974 OF 2024

**OM SAI SARVJANIK VACHNALAYA THROUGH ITS
PRESIDENT KAILAS RAGHOBHA MHASKE**

VERSUS

**THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS**

...

Mr. Mukund R. Kulkarni, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondents-State.

...

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 09th JULY, 2024.

P.C.:-

1. Heard Mr. Kulkarni, learned Advocate appearing for the petitioner and the learned A.G.P. for the respondents-State.
2. The petitioner impugns the order dated 25.08.2014 passed by respondent no.2 in Case No.मराग्र-२५१७/प्र.क्र.५४४/साशि-५, thereby confirming the order dated 31.12.2013 bearing No.३२/दर्जविनत/२०१३-१४/१६०८४-१६४३३ passed by respondent no.3.
3. Mr. Kulkarni, learned Advocate submits that the petitioner is a Public Library having registration under Bombay Public Trust Act and conferred status as Class-C for the purpose of grant-in-aid. In the year 2012, the State Government revised the guidelines for grant-in-aid. The certain deficiencies were noted by the Authorities during the inspection of the Library, particularly the remark was put that Expert Librarian was not appointed. However, in subsequent report dated 25.05.2013, the Expert Committee recorded its satisfaction as regards to the infrastructure. However, respondent no.3-Authority reverted the

position of the petitioner-Library from Class-C to Class-D. The petitioner had challenged the decision of respondent no.3 before respondent no.2 by filing Appeal No.394/2014. However, the said Appeal came to be dismissed on 25.08.2014. Thereafter, the petitioner had again filed second Appeal before the same Authority vide Appeal No.47/2023 under Section 3, 9(2)(a)(e) and (j) of Rule 1970 and Section 6 Rule 38 of the Maharashtra Library Act, 1967. However, the said Appeal came to be dismissed only giving reason that the second Appeal is not maintainable.

4. Mr. Kulkarni, learned Advocate would further place reliance on the orders passed by this Court in Writ Petition Nos.6326/2018 and 3728/2021, wherein this Court was pleased to remand the proceedings for re-consideration in pursuance of the report of inspection. Mr. Kulkarni, learned Advocate would, therefore, urge that when there was satisfactory report dated 25.05.2013, the Hon'ble Minister could have positively revisited case of the petitioner and restored it to Class-C.

5. Having considered submissions advanced, it is apparent that the petitioner was reverted to Class-D vide order dated 31.12.2013. The petitioner had assailed reversion before Hon'ble Minister in Appeal No.394/2014. The said Appeal has been dismissed on merit vide order dated 25.08.2014. Pertinently, the order dated 25.08.2014 was not challenged for almost 9 years and thereafter, the petitioner once more filed Appeal before the Hon'ble Minister, which has been rightly dismissed taking exception to its maintainability. The pleadings in this petition nowhere explain the delay of 9 years in filing this petition. It appears that the petitioner had accepted orders of the Hon'ble Minister and now making an attempt to review stale claim. In that view of the matter, Writ Petition cannot be entertained on account of

unexplained delay and laches. Hence, Writ Petition stands dismissed.

(S. G. CHAPALGAONKAR)
JUDGE

Devendra/July-2024