



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

WRIT PETITION NO. 625 OF 2024

1. Brilliant Technical Institute,
at Bembli Tq. And Dist. Osmanabad (Dharashiv)
Through its President,
Ayyub Babasaheb Inamdar,
Age 54 years, Occ. President,
R/o. Ambejavalge, Tq. & Dist. Osmanabad (Dharashiv).
2. Joint Secretary,
Brilliant Technical Institute,
Juned S/o. Martin Sherikar,
Age 36 years, Occ. Secretary
R/o. At Bembli, Tq. & Dist. Osmanabad (Dharashiv). ..Petitioner.

VERSUS

1. The State of Maharashtra
through Secretary,
Divyang Kalyab,
Department of Social Justice
Cultural Affairs,
Sports and Special Assistance Department,
Mantralaya, Mumbai.
 2. The Commissioner,
Commissioner for Persons with Disability,
Handicapped and Welfare,
3, Church Road, Pune, Maharashtra State.
 3. District Social Welfare Officer,
Zilla Parishad, Osmanabad (Dharashiv).
 4. The State of Maharashtra
through Secretary,
Finance Department,
Mantralaya, Mumbai.
- .. Respondents.

Advocate for the Petitioner : Mr. Gaurav L Deshpande
AGP for Respondents: Mr. V.M. Jaware.

**CORAM : SMT. VIBHA KANKANWADI
& S.G. CHAPALGAONKAR, JJ.**

DATE : 19th JANUARY, 2024.

P.C. :-

1. The present petition has been filed for following prayers :-

“(B) By issuing writ of mandamus or any other appropriate writ in the like nature the respondents may kindly be directed to decide the representation dated 17.8.2022, 21.8.2022, 20.10.2023 and 18.11.2023 and to take decision on the report submitted by the respondent No.2 dated 21-22/07/2023.

(C) The respondents may kindly be directed to comply the Government Resolution dated 16.09.2021 (w.e.f. June 2019)

(D) The respondent No.4 finance department may kindly be to accord sanction to the 8 new posts as contemplated in the report submitted to the respondent No.1 by respondent No.2 dated 2.5.2019 and (Exhibit S) letter dated 21-22/07/2023 (Exhibit Y).

(E) The respondents may kindly be directed to accord sanction to the newly sanctioned 8 posts which are already working with the petitioner’s school with effect from (June 2019) as per Government Resolution dated 16.09.2021”.

2. After hearing the learned advocate for the petitioners submits that prayer clauses (C) , (D) and (E) is covered under the prayer clause (B) and purpose would be served if directions are given to the concerned authority to decide the representations made by the petitioners. It appears that by Government Resolution dated 8.7.2004, the Government was of the view that two schools are not run and the norms laid down under the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 and the Government was of the view that mentally displaced students should

get proper education and, therefore, decided one of the schools to hand over to the petitioner. In pursuance to that, the petitioner was granted permission for 40 non residential students by order dated 24.3.2005. It appears that thereafter respondent No.2 issued letter on 26.10.2004, whereby it was pointed out that some other school was functioning in the said area and therefore, the petitioner cannot be permitted to run the school within 10 kilometers from the previous school. The said notice was then replied by the petitioner on 27.4.2005. A representation by way of said notice reply was also made and on the said representation of the petitioner, the respondent No.5 had given a letter to the respondent No.2 wherein it was pointed out that the explanation given by the petitioner is logical and permission can be accorded. The respondent No.5 forwarded a letter for recommending permission for special school for 25 mentally disabled students and also forwarded recommendation for periodical renewal of the petitioner to the petitioner school. It appears that communications were further made.

3. The petitioner had approached this court by filing W.P. No. 3814 of 2012 seeking direction to decide the proposal filed by the petitioner. The said petition was filed before the Principal Seat and by order dated 15.2.2013, this Court, after considering the nature of the facilities which the petitioner intended to provide, directed the respondent to decide the proposal of the petitioner within a period of one and half months and disposed of that petition. Upon said orders of this court, respondent No.2 submitted detailed proposal to the State Government on 22.2.2013 to sanction or conversion of permission of 40 non-residential students into 25 residential and 15 non residential students. It is then stated that the said proposal was placed before the

Honourable Minister of State for consideration, who had then accepted the same. Thereafter, it appears that the petitioner had undertaken change of address with Assistant Charity Commissioner office at Solapur and ultimately, it is said that the proposal before the Honourable Minister was placed on 15.2.2019, which was then sanctioned on 27.6.2019.

4. It is stated by the petitioner that one another proposal was submitted by the Committee for transfer of the school from Narewadi, Taluka Barshi, Dist. Solapur to Ambewadi, situated in Dharashiv District. It appears that by Government Resolution dated 5.4.2023, the school was permitted to be transferred. However, further representation in respect of increase in the staff by Commissioner, persons with Disability, Handicap Welfare to the State Government on 21.7.2023 and the representation of the petitioner dated 13.8.2022, 21.8.2022, 20.10.2023 and 18.11.2023 are pending before the State.

5. In view of above stated facts, petition can be disposed of by giving directions to respondent No.1 to decide the pending proposal dated 21.7.2023 submitted by the respondent No.2 within a period of two months on its own merits.

6. Writ petition stands partly allowed and disposed of accordingly.

[S.G. CHAPALGAONKAR, J.] [SMT. VIBHA KANKANWADI, J.]

grt/-