

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4996 OF 2024

ALONGWITH

WRIT PETITION NO. 7608 OF 2010

Someshawar Shikshan Prasarak Mandal

..... Petitioner

VERSUS

The State of Maharashtra & Ors.

..... Respondents

Mr.Dinesh W. Bhosale for the Petitioner in both writ petitions.

Mr. N. K. Rajpurohit, A.G.P. for the State in both writ petitions.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 13th AUGUST, 2024

JUDGMENT :-

Rule. Rule made returnable forthwith and heard learned counsel for the parties.

2. This writ petition is taken up for hearing along with Writ Petition No. 7608 of 2010. Liberty is granted to the petitioner to correct the cause title of the Writ Petition No. 4996 of 2024 and implead the Secretary, Department of Secondary and Higher

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Secondary Education as respondent. Amendment be carried out forthwith. The learned Assistant Government Pleader accepts the notice on behalf of the said respondent.

3. In Writ Petition No. 7608 of 2010, the petitioner, an education Society running a Higher Secondary School has challenged the communication dated 14th July, 2010 issued by the Department of School Education and Sports of the State Government declining to grant any permission to start Higher Secondary School for the Academic Session 2008 – 2009 on the ground that the report of the District Level Committee and the State Level Committee was not favourable. While issuing Rule in the said writ petition on 15th February, 2013, it was directed that in case the petitioner submitted a fresh proposal, the respondents were to examine the same in accordance with law.

4. Pursuant to the aforesaid liberty, the petitioner has lastly submitted an application dated 7th December, 2023 wherein permission was sought to start a Junior College on no-grant

basis. Since this application has not yet been decided, Writ Petition No. 4996 of 2024 has been filed.

5. After hearing the learned counsel for the parties, we find that it is not necessary to go into the correctness of the impugned communication dated 14th July, 2010 which is the subject matter of the challenge in Writ Petition No. 7608 of 2010. The consideration on the petitioner's application dated 7th December, 2023 would serve the ends of justice.

6. Accordingly, the following directions are issued :-

(a) The newly added respondent shall consider the petitioner's application dated 7th December 2023 in accordance with law on its own merits without being influenced by this communication within a period of eight weeks of receiving copy of this judgment. The decision taken shall be communicated to the petitioner.

(b) The petitioner is at liberty to place additional documentary evidence before the said respondent.

(c) Rule in both the writ petitions is disposed of in aforesaid terms.

7. Parties to act on the authenticated copy of this order.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]