

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11923 OF 2018

Jankalyan Shikshan Prasarak Mandal,
through its Secretary ...Petitioner

Versus

The State of Maharashtra,
through the Secretary & Ors. ...Respondents

WITH

WRIT PETITION NO.11924 OF 2018

Shahapur Taluka Education Society,
Shahapur, through Secretary. ...Petitioner

Versus

The State of Maharashtra,
through the Secretary,
School Education Dept. & Ors. ...Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire and Mr. Aniket S. Phapale i/b. Ms. Ashwini N. Bandiwadekar for the Petitioner in both the petitions.

Mr. B. V. Samant, Addl. G. P. a/w. Ms. Priyanka B. Chavan, AGP for Respondent-State.

**CORAM : A. S. CHANDURKAR,
JITENDRA JAIN, J.J.**

DATE : 18th MARCH 2024.

P.C. :-

1. Rule. Rule made returnable forthwith. Heard learned counsel for the parties.

2. The challenge raised in these writ petitions is to the communication dated 19th March 2018 that has been issued by the Respondent No.4-Deputy Director of Education by which the Petitioner's request made for absorption of the unaided divisions at the aided secondary schools run by the Petitioners.

3. On hearing the learned counsel for the parties, we find that the proposals dated 10th March 2015 and 20th August 2014 respectively were considered by the Education Officer (Secondary), who recommended the grant of absorption by communication dated 31st March 2015. However, when the matter was considered by Respondent No.4, the request was rejected by referring to the Government Resolution dated 28th August 2015. That Government Resolution refers to the manner in which steps were to be taken for implementation of the Right of Children to Free and Compulsory Education Act, 2009. Except for referring to the aforesaid Government Resolution, there is no reason indicated in the impugned communication dated 19th March 2018 for refusing the Petitioner's request. In the additional affidavit-in-reply filed, the Respondents have sought to explain the manner in which Government Resolution dated 28th August 2015 came to be issued.

4. We find that as the Respondent No.4 has rejected the request merely by referring to the Government Resolution dated 28th August

2015, there is no manner by which the exact basis for rejection of the Petitioner's request can be gathered. We are required to examine what could be any basis for such rejection instead of being shown the exact reason for rejection of that request. We are, therefore, of the view that the matter requires re-consideration by the Respondent No.4.

5. Hence, on the ground that the impugned communication dated 19th March 2018 does not indicate the basis nor gives any reason for rejection of the Petitioner's request, the same is set aside. The Respondents are directed to re-consider the proposals submitted by the Petitioners dated 10th March 2015 and 20th August 2014 respectively. The recommendation made by the Education Officer (Secondary) shall also be taken into account while doing so. The fresh decision be taken on the said application within a period of eight weeks after giving due opportunity to the parties. The Authorities should specify the reasons for their conclusion.

6. Keeping all points raised on merits open, the Writ Petitions are allowed in the aforesaid terms. Rule is made absolute with no order as to costs.

[JITENDRA JAIN, J.]

[A. S. CHANDURKAR, J.]