



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.5553/2021

Bhuvan s/o Tikaram Nakade and others

Vs.

State of Maharashtra, through Deputy Director of Education, Nagpur Division and
others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.M. Sudame, Advocate for petitioners
Shri N.R. Patil, AGP for respondent Nos.1, 2 and 6
Shri Akhilesh Potnis, Advocate for respondent No.4
Shri Kaustubh Kadasne, Advocate for applicant/Intervenor

**CORAM : AVINASH G. GHAROTE AND
SMT. M.S. JAWALKAR, JJ..**

DATED : 02/05/2024

The impugned order dated 02/12/2020 (page 76), is being questioned on the ground that since the approval was granted by the Deputy Director of Education, he would not have the power and authority to recall the same, for which, reliance is placed upon the Government Resolution dated 23/08/2017.

2. A perusal of the Government Resolution dated 23/08/2017 (page 387) would indicate that it requires that in case, the approval is to be withdrawn or recalled, the same cannot be done by the authority, which has granted the approval, but has to be done by his next superior officer.

3. A perusal of the impugned order would indicate that the initial approval was granted by the Deputy Director of Education, who also has passed the impugned order withdrawing the same, considering which, on this ground

itself, the same is not sustainable and is hereby quashed and set aside, by directing that any plea regarding withdrawal of the approval of the petitioner will have to be entertained by the Director of Education.

4. The complaint, on the basis of which, the approval was withdrawn will now be required to be sent to the Director of Education, who shall decide the same. The petitioner as well as the complainant, as well as anybody else interested, including all three fractions of the management shall appear before the Director of Education on 15/05/2024, whereupon, the Director of Education, upon hearing the parties and considering the documents, which may be placed before him, shall decide the complaint within a period of 4 weeks therefrom.

5. The Writ Petition is, therefore, allowed in the above terms. No order as to costs.

(SMT. M.S. JAWALKAR, J.) (AVINASH G. GHAROTE, J.)

R.S. Sahare