



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

Writ Petition No.3866 of 2022

New Adarsha Shikshan Sanstha, Pulgaon

Versus

State of Maharashtra and others

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

Court's or Judge's order

Shri N.S. Warulkar, Counsel for Petitioner.

Shri N.R. Patil, Assistant Government Pleader for Respondent Nos.1 and 2.

Shri D.R. Bhojar, Counsel for Respondent No.3.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 8th JANUARY, 2024.

1. Heard.
2. The petitioner, an educational society, registered under the Maharashtra Public Trusts Act, 1950 as well as the Maharashtra Societies Registration Act, 1960, was granted permission to open and operate the Classes for Standards VIII to X on permanently unaided basis.
3. The petitioner claims that considering the need to open and operate the Classes for Standards I to X, its prayer for grant of permission to open and operate the Classes for Standards I to VII was considered by the respondents. However, in view of there being no communication/decision, the petitioner was prompted to move this Court by filing a writ petition, being Writ Petition No.8229 of 2019. In the said writ petition, a direction was given to consider the proposal submitted by the petitioner dated 3-1-2017. It appears that pursuant to the direction issued in the said writ petition, the impugned order dated 16-12-2021 came to be passed, by which the petitioner is aggrieved.
4. The contention of the petitioner is that its claim ought to have been considered in view of the policy as was existed on the date of filing of first Writ Petition No.3754 of 2011, i.e. on 17-7-2012.
5. We have appreciated the submissions of the petitioner in the light of the arguments advanced by the respondents. The fact remains that the petitioner invited an order from this Court in Writ Petition No.8229 of 2019, whereby this

Court issued a direction to consider and decide the proposal submitted by the petitioner dated 3-1-2017.

6. The petitioner has a legal right of consideration of his proposal and we do not see any absolute right in the petitioner to claim grant of permission to open and operate the Classes for Standards I to VII, as has been sought. In that view of the matter and in view of the order dated 8-12-2021 passed in Writ Petition No.8229 of 2019, we hardly see any reason to cause any interference to direct the respondents to grant permission to the petitioner to open and operate the Classes for Standards I to VII. The petitioner, in our opinion, lacks the very legal right in it.

7. In view of above observations, the writ petition stands dismissed.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)