



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

WRIT PETITION NO. 5613 OF 2024

(Saraswati Gramin Shikshan Sanstha and another Vs. 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 orders

Mr. A.C. Dharmadhikari, Advocate for petitioners.

Mr. N.S. Rao, Assistant Government Pleader for respondent Nos. 1 to 4 and 6.

**CORAM : BHARATI DANGRE &
ABHAY J. MANTRI, JJ.**

DATED : 08-10-2024

1. The petitioner No. 1 Society registered under the Public Trust Act, which runs petitioner No. 2 School at Dondgaon, Tahsil Samudrapur, District Wardha, is carrying certain apprehensions in relation to the implementation of the Government Resolution dated 30.11.2023.

Pertinent to note that the petitioner No. 2 School secured No. 1 position in the Taluka and District level in the scheme "Mukhyamantri Mazi Shala, Sundar Shala".

2. Mr. Dharmadhikari, the learned Counsel for the petitioner has raised his apprehensions about implementation of clause (B) of the communication dated 6.9.2024 issued by the School Education and Sport Department, for implementing the round-2 of the scheme and on reading the same, his understanding is that for securing a rank for this year, it would be necessary that the School should secure more marks than the one which were secured by it, for securing position No.1, in the previous year.

3. Mr. Rao, the learned Assistant Government Pleader would submit that the Deputy Director of Education, Nagpur,

who has filed an affidavit on behalf of the Commissioner of Education, Maharashtra State, Pune as well as Deputy Director of Education has made a specific statement, which would clear the apprehension raised by Mr. Dharmadhikari and we deem it appropriate to refer to the relevant portion of the affidavit, which read as below:

*“8. It is mentioned in clause 6 in Government Resolution dated 26.7.2024 that, the State Level Executive committee has been formed under the Chairmanship of Commissioner of Education, MS, Pune for the effective implementation of the campaign. It is also mentioned that, it is responsibility of the said committee to take necessary measures for the promotion and dissemination of the campaign as well as its implementation. The State Government has declared the commissioner of Education as Controller and Account Officer. Vide letter dated 25.9.2024 the State Government has confers power to the Commissioner of Education for implementation of Campaign. The same is annexed herewith and marked as **Annexure R-2**. The basic intention to incorporate clause B in the said communication is that schools which received certain numbers/rank in academic Session 2023-24 can participated at Higher level which would encourage the schools to improve its standard which ultimately benefits the students motivate them to improve. One more aspect which needs to be stipulated that clause – B if perused would state that if any school achieves any rank, it can participate and contest for higher rank which they have achieved in the previous year. The same school can indeed contest either at same level or at higher level depending on his ranking of the previous year.*

Since the petitioners got first rank at Taluka and District level for the academic session 2023-24. It is declared eligible for participating and contesting for all rank at division and State level. The same shall provide other schools an opportunity to complete between themselves and improve.

9. For the reasons stated above the clause – B inserted by the respondent No. 3 vide communication dated 6.9.2024 does not in any even affect their chances to participate in the healthy competition. The respondent No. 3 can very well incorporate conditions which would be more beneficiary and help in improving the competition between schools. For the reasons stated above, there is no merit and substance in the present petition and same may kindly be rejected by this Hon’ble Court in the interest of justice”.

4. Accepting the above stand of the State Government, which has surfaced through the affidavit, we expect the respondent authorities to act upon it accordingly.

Needless to state that the respondent authorities are expected to act in accordance with the parameters set out in the Government Resolution dated 26.7.2024.

With this clarification, the petition stands disposed off.

(ABHAY J. MANTRI, J.)

(BHARATI DANGRE, J.)

R.S.Belkhede, PA.