



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

WRIT PETITION NO. 6842 OF 2023

(Shamim Azad Education Society and others vs. State of Maharashtra and others)

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

Court's or Judge's order

Mr. A.S.Kapoor, Advocate for the petitioners.

Mr. N.R.Rode, Assistant Government Pleader for the respondents.

CORAM : AVINASH G. GHAROTE & ABHAY J. MANTRI, JJ.

DATE : NOVEMBER 18, 2024

1) Heard Mr.Kapoor, learned Counsel for the petitioners and Mr.Rode, learned Assistant Government Pleader for the respondents.

2) The petition questions the impugned communication dated 23/08/2022 (page 77) by which the request of the petitioners for grant of additional section of "Science Stream" in Standard 11th with the petitioner No.2 Junior College has been declined.

3) Mr.Kapoor, submits that the impugned communication is sans any reason whatsoever and therefore cannot be sustained.

4) Perusal of the impugned communication reveals that the request of the petitioners has been declined only for the reason that same is not in consonance with the policy of permitting schools/classes to be run on self finance basis. That in our considered opinion cannot be held to be a reason sufficient to decline the permission sought, as specific ground has to be indicated by the respondents as to in what manner the request does not comply with the self finance policy of the State and

even then grant a reasonable opportunity to the institution to ensure compliance.

5) In that view of the matter the impugned communication dated 23/08/2022 is hereby quashed and set aside and the matter is remitted back to the respondent No.1 to decide the request of the petitioners by giving appropriate reasons either way. The same shall be done within a period of four weeks from the date of the production of the copy of this order before the appropriate Officer of respondent No.1.

(ABHAY J. MANTRI, J.)

(AVINASH G. GHAROTE, J.)

KOLHE