



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6582 OF 2004

Azad Ali Shah Education Society
and Charitable Trust,
(Through its President
Mrs. Shah Surraiya Khan,
Aged-45 years,
R/o- C/o- Shining Star School,
Opp. Veterinary Hospital,
Khadkeshwar, Aurangabad.

...PETITIONER

VERSUS

- 1) Union of India,
(Through its Secretary,
Human Resources Development
Ministry), New Delhi,
- 2) The State of Maharashtra,
(Through the Principal Secretary,
School Education Department,
Mantralaya, Mumbai,
- 3) The Honourable Minister for Education,
Government of Maharashtra,
Mantralaya, Mumbai,
- 4) Shri S.T. Pathak,
Deputy Secretary,
School Education Department,
Mantralaya, Mumbai,
- 5) Shri Shankar Gavale,
Section Officer,
School Education Department,
Mantralaya, Mumbai,

- 6) The Director of Education,
(Secondary and Higher Secondary),
Maharashtra State, Pune,
- 7) The Deputy Director of Education,
Aurangabad,
- 8) The Education Officer (Secondary),
Zilla Parishad, Aurangabad,
- 9) Hazrat Shahnoor Miya Hamvi Rehemed
Education and Welfare Society
(through its President),
Osmanpura, Aurangabad,
- 10) Department of Minority Development,
Through its Secretary,
Mantralaya, Mumbai.

...RESPONDENTS

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Mr. A.S. Bayas Advocate for Petitioner.

Mr. Suresh W. Munde, Standing Counsel for Respondent No.1.

Mr. M.K. Goyanka, A.G.P. for Respondent Nos. 2, 3, 6, 7, 8
and 10.

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**CORAM: ALOK ARADHE, C.J. AND
RAVINDRA V. GHUGE, J.**

DATE : 18th MARCH, 2025

ORAL JUDGMENT [PER RAVINDRA V. GHUGE, J.] :

1. The Petitioner Education Society has put forth prayer clauses (A), (A1), (B), (C) and (D), which read as under:-

“(A) To call for the entire record relating to the proposal of the petitioner and the respondent No.9 from the custody of the respondents no.2 to 8.

“(A-1) This Hon’ble Court may please quash and set aside the impugned order / G.R. dated 31.03.2005 EXHIBIT-P passed by the respondent No.2 by issuing writ of Certiorari or any other writ like nature.”

(B) To direct the respondent no.2 to forthwith produce copy of the order granting approval to the proposal of the respondent no.9 on record of this writ petition.

(C) To quash and set aside the order of the respondent no.2 granting approval to the proposal of the respondent no.9 to construct a hostel, by issuing a Writ of Certiorari or any other appropriate writ, order or direction.

(D) To direct the respondent No.2 to forthwith grant approval to the petitioner society’s proposal dated 2.2.2001 for its multi stream girls hostel for minority girl students at Aurangabad, by issuing a Writ of Mandamus or any other appropriate writ, order or direction.”

2. We have heard the learned Advocates for the respective parties. It is apparent that the Petitioner’s grievance was against the grant of approval to the proposal of Respondent No.9, to construct a hostel and operate the girls hostel in the said premises. No interim order was passed and there was no relief granted to the Petitioner during the pendency of this Petition.

3. The learned Advocate for the Petitioner submits that today, unless advertisement is published calling for applications

to operate the girls hostel, the Petitioner would not get the permission to start a girls hostel.

4. In view of the above, we do not deem it appropriate to entertain this Petition, as after the passage of 21 years of Respondent No.9 operating the girls hostel, no purpose would be served in upsetting an established institution. If fresh requirement for operation of a hostel is called for by the competent authority and if the Petitioner makes an application, the same can be decided on its own merits and by considering the policies of the Central Government.

5. With the above observations, this Writ Petition is disposed off.

6. Rule is discharged.

7. All pending Civil Applications stand disposed off.

[RAVINDRA V. GHUGE, J.]

[CHIEF JUSTICE]