



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

937 WRIT PETITION NO.4321 OF 2024

Akshar Vikas Shikshan Prasarak Mandal Through It's Secretary
VERSUS

The State Of Maharashtra Through The Secretary And Others

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Advocate for Petitioner : Mr. A.S. More

AGP for Respondents : Mr. S.P. Joshi

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**CORAM : S. G. CHAPALGAONKAR AND
NEERAJ P. DHOTE, JJ.**

Dated : July 04, 2025

PER COURT :-

1. Petitioner impugns the order dated 28.3.2024 issued by respondent no.2 thereby rejecting proposal of the petitioner to transfer the school namely 'Jogeshwari Niwasi Apang Karmashala, Sillod, Tq. Sillod, District Chhatrapati Sambhaji Nagar.'

2. Mr. Abhijit More, learned advocate appearing for petitioner submits that petitioner is a Minority Institution registered under the Provisions of Bombay Public Trusts Act, 1950 and Societies Registration Act. On 4.9.2023 petitioner submitted a proposal to respondent no.4/District Social Welfare Officer to change category of the school run by petitioner namely Jogeshwari Niwasi Apang Karmashala and

transfer the same to the Management of Akhil Maharashtra Gramin Vikas Mandal, Aurangabad. On 28.3.2024 respondent no.2 turned down petitioner's proposal, firstly on the ground that there is no prospective plan in existence, secondly, policy in respect of grant- in-aid to the schools established for specially disabled children is still under consideration. Mr. More invites attention of this Court to the order passed by this Court in Writ Petition No.12289 of 2024 (**Dr. Babasaheb Ambedkar Sevabhavi Sanstha Through It's President Vs. The State of Maharashtra through its Secretary and others**) decided on 14.11.2024 whereby writ petition was disposed off with directions to respondent no.1 to decide representation of the petitioner on it's own merit.

3. In deference to the aforesaid order, vide Government Resolution dated 24.1.2025, proposal of Dr. Babasaheb Ambedkar Sevabhavi Sanstha has been accepted and category of the school is changed from 'Lokomotor Disability to Mentally Retarded' school. Mr. More, would therefore submit that the reasons given while rejecting petitioner's proposal are fallacious. Respondents have approved similar proposals submitted by others, whereas

single-out petitioner. Prima facie, we find substance in contention of the petitioner. For the same reasons as mentioned in the Government Resolution dated 24.1.2025 granting permission for transfer of the school in favour of Dr. Babasaheb Ambedkar Sevabhavi Sanstha, petitioner's proposal could have been considered.

4. In that view of the matter, we **partly allow** the writ petition and quash and set aside the impugned communication dated 28.3.2024 issued by the respondent no.2 and direct Respondent No.2 to re-consider petitioner's proposal in light of decision reflected in Government Resolution dated 24.1.2025 in case of Dr. Babasaheb Ambedkar Sevabhavi Sanstha. The Respondents shall take fresh decision within a period of four (4) months from today. Writ Petition stands **disposed off** in above terms.

(NEERAJ P. DHOTE, J.)

(S. G. CHAPALGAONKAR, J.)

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