



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

938 WRIT PETITION NO. 10579 OF 2024

Shiksha Shikshan Prasarak Mandal
Through Its President Bhimrao Suklal Marsale ...Petitioner

VERSUS

The State of Maharashtra
Through Its Principal Secretary and othersRespondents

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Mr. Rodge Krishna Pratap, Advocate for the Petitioner
Ms. P. J. Bharad, AGP for the Respondents – State
Mr. V. V. Gujar, Advocate for Respondent No.3

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**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 27.06.2025

PER COURT :

1. The Petitioner is an Institutional Trust. It runs the School for handicapped persons and specially-abled students in the Districts of Jalgaon and Nashik. The Petitioner made an Application / Representation to the State Government for transfer of closed-down Deaf and Dumb School situated at Hinganghat, District Wardha to Village – Dongaon, District – Jalgaon. During the pendency of the said Writ Petition, the State Government issued the impugned Advertisement on 12th and 13th September, 2024 to transfer the said closed-down Deaf and Dumb School at Hinganghat, District – Wardha to the eligible Institutions. The Petitioner did not respond to the said Advertisement.

2. Today, the learned AGP tenders across the bar a copy of the communication dated 24/09/2024 sent by the Commissioner, Handicapped Welfare Department to the Secretary of the Department recommending rejection of the Petitioner's Proposal.

3. It is submitted by the learned Advocate for the Petitioner that, the Application / Representation for the transfer of the said School at Hinganghat to the Institution of the Petitioner in District Jalgaon should have been considered, as the State Government has considered and granted permission to the two Institutes by the Government Resolutions dated 19/07/2024 and 31/07/2024. He submits that, in view of the said policy of the Government, which allows transfer of such Schools from one Institute to another Institute if they are closed-down, the rejection of the Petitioner's proposal be set aside.

4. The learned AGP appearing for the State submits that, while granting permission to the other Institutes for transferring the closed-down Schools was done after following due process. The proposal of the Petitioner was duly considered and the same is not favourably recommended by the Competent Authority. Hence, the Petition be dismissed.

5. Admittedly, by the aforesaid Government Resolutions dated 19/07/2024 and 31/07/2024, the State Government accorded permission to one Institute to run the establishment of the closed-down Institute. However, the said Government Resolutions show that, the said transfer was within the same District. Here, the prayer is to transfer the closed-down Institute from one District to another District.

6. Be that as it may, nothing prevented the Petitioner from responding to the said Advertisement issued by the Respondent – Government. Needless to state that there cannot be any vested right to get the transfer of such closed-down Institutes from one

place to another. In this view of the matter, we do not find any merit in the Petition and the same stands dismissed. It is made clear that this order will not come in the way of the Petitioner to apply afresh if such an Advertisement is issued.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]

Sameer/June-2025