

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.6796 OF 2024

Phoenix English Medium School	)	
through its Secretary	)	
Shri Nagesh Arun Malve	)	
Age-49 years, Occ. Service	)	
Indian Inhabitant R/at-S No. 4504,	)	
Phoenix School, Sargam Chowk,	)	
New Solapur Road, Pandharpur, Dist. Solapur	)	 Petitioner.

Versus

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|----|---|---|------------------|
| 1. | The Union of India |) | |
| | 2 nd floor, Income Tax Building, |) | |
| | Marine Lines, Mumbai |) | |
| 2. | The State of Maharashtra |) | |
| | Through Principal Secretary, |) | |
| | Ministry of Education and Sports, |) | |
| | To be served through Government Pleader |) | |
| | High Court, Bombay |) | |
| 3. | The Director of Education, Pune |) | |
| | Office at Dr. Annie Besant Road, Central |) | |
| | Building, Pune: 411 001 |) | |
| | To be served through Government Pleader, |) | |
| | High Court, Bombay |) | |
| 4. | The Education Officer (Primary) |) | |
| | Zilla Parishad, Solapur, |) | |
| | to be served through Government Pleader |) | |
| | High Court, (A.S.) Mumbai |) | |
| 5. | Block Education Officer, |) | |
| | Add:- Pandharpur, Dist. Solapur |) |Respondents. |

Mr. Vaibhav U. Ugle, Advocate for the Petitioner.
Mr. Vijay Killedar for the Respondent Nos. 4 & 5
Mr. Kushal Amin, “B” Panel Advocate for the Respondent Nos. 2 and 3.

**CORAM : A. S. CHANDURKAR &
M. M. SATHAYE, JJ.**

DATED : 17th APRIL 2025

ORAL JUDGMENT (Per A. S. CHANDURKAR, J):

1. Rule. Rule made returnable forthwith and heard finally with consent of the parties.
2. The Petitioner is aggrieved by the communication dated 29/02/2024 that has been issued by the office of Education Officer (Secondary), Zilla Parishad, Solapur by which the recognition granted to the school of the Petitioner under provisions of the Right of Children to Free and Compulsory Education Act, 2009 (for short, “the Act of 2009”) has been withdrawn.
3. We have perused the Writ Petition, the affidavit-in-reply and we have also heard the learned Counsel for the parties.
4. Undisputedly, the recognition granted and thereafter extended to the aforesaid school was till 31/03/2025. Prior to expiry of that period, the same came to be withdrawn by the impugned order dated 29/02/2024. After 31/03/2025 it would be necessary for the Petitioner to seek fresh permission. In that regard, the Block Education Officer, Panchayat Samiti, Pandharpur on 15/01/2025 demanded various documents from the Petitioner to consider the matter with regard to restoration/renewal of the

recognition.

5. In these facts, no useful purpose will be served by considering the challenge to the impugned communication dated 29/02/2024 which withdrew the recognition granted earlier as said recognition was to operate only till 31/03/2025. Instead, the Petitioner can take steps pursuant to the notice issued by the Block Education Officer on 15/01/2025 and supply all necessary documents for seeking fresh recognition. If all necessary documents are supplied by the Petitioner, the concerned authority shall take a decision as required under the provisions of the Act of 2009 in the matter of granting recognition to the aforesaid school. On all necessary documents being supplied by the Petitioner, the matter shall be considered within a period of four weeks thereafter.

6. With the aforesaid directions and keeping all aspect on merits open, the Writ Petition is disposed of. Rule is made absolute in aforesaid terms with no order as to costs.

(M. M. SATHAYE, J.)

(A. S. CHANDURKAR, J)