



W-163-2023

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

MISC. CIVIL APPLICATION (REVIEW) NO. 163 OF 2023
IN WRIT PETITION NO. 2135 OF 2010

(Shama Sarvajanik Sanstha, through its President Vs. State of Maharashtra & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. S.S. Shingane, Counsel for the applicant/petitioner.
Mr. I.J. Damle, A.G.P. for the non-applicants/respondents/
State.

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CORAM : ANIL L. PANSARE AND
SIDDHESHWAR S. THOMBRE, JJ.
SEPTEMBER 11, 2025

The order sought to be reviewed is as
under :

“The petition is filed challenging the communication dated 3 March 2010 which rejected the prayer of the Petitioner for opening Hindi Secondary School from 8th to 10th standard on no grand basis at Dorli, District Yavatmal.

2. Rule was issued in this petition on 9 December 2010. No interim relief was granted. The proposal was based on the factual position as of the year 2010, which position would have undergone change in last 12 years. On the basis of this proposal submitted 12 years ago on a different factual position, directions cannot be issued to the respondent without enquiring into the present status.

3. If the Petitioner is still interested in opening the School as sought for, it is open to the Petitioner to make a fresh application based on the current factual situation and it is open to Respondents to consider the same on its own merits as per law.

4. Writ Petition is accordingly disposed of. discharged. No costs.”

2] None appeared for the petitioner on that day. Accordingly, the aforesaid order was passed. Thereafter, review application is filed by the petitioner, but none appeared on previous date. The application is today listed under the caption of dismissal.

3] The learned Counsel for the applicant/petitioner submits that the applicant is interested in prosecuting the application, and accordingly, we have heard both sides.

4] The order sought to be reviewed indicates that Rule was issued on 9/12/2010, and no interim relief was granted. The order further records that proposal was based on factual position as of the year 2010. We were of the view that this position must have undergone change in twelve years. Accordingly, we took a view that on the basis of this proposal, submitted twelve years ago on different factual position, directions cannot be issued to the respondents without enquiring into the present status.

5] Naturally, the status then existing was expected from the petitioner, to whom, none represented on that day, and we, accordingly, were left with no other alternative but to take up the matter in absence of the petitioner's assistance. Accordingly, we have noted that there must be change in factual position.

6] The argument is that in the affidavit filed by the State Government, the current position of availability of students for standard 5 to 7 (Hindi medium) so that they could have been admitted to standard 8 to 10, was not disclosed.

7] May be that the affidavit is not showing the current position, the fact remains that the Court was unaware of the current status. The petitioner was not before the Court to disclose the present status, and since, the original proposal was based on factual position of the year 2010, and since, twelve years had undergone, without any relief, we opined that no directions could be issued to the respondents.

8] The learned A.G.P submits that at the relevant time, the School run by the petitioner was not admitted to grant. He further submits that the policy has been now changed in terms of the Maharashtra Self-Financed Schools (Establishment And Regulation) Act, 2012, by which, the School run by the petitioner cannot be admitted to grant.

9] Thus, it appears that the petitioner's interest is to pursue the proposal as was existing in the year 2010 so that the School run by the petitioner for standard 8 to 10 could be admitted to grant-in-aid. The proposal was to commence School for standard 8 to 10. Since the petition has been dismissed with option to the petitioner to make fresh application, the petitioner will now not be entitled to have it's School admitted to grant.

10] This position, according to us, cannot be a ground to review the order. What is relevant is that none appeared for the petitioner, and accordingly, a view has been taken that because of lapse of substantial time, directions cannot be issued to the respondents without

knowing current status, and accordingly, option has been kept open.

11] That being so, we do not find that there is any error apparent on the face of record or that there is any good ground to review the order.

12] The application is accordingly rejected.

(JUDGE)

(JUDGE)

Sumit