



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

**CIVIL APPLICATION (W) NO.1817 OF 2025**

[Pooja Shikshan Sanstha, Tumsar .vs. State of Maharashtra and  
Others]

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

*Court's or Judge's order*

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Shri. Abhijeet A. Sambaray, Advocate for Applicant/Petitioner.  
Shri. J. Y. Ghurde, Asst. G. P. for Respondents/State.  
Shri. T. U. Tathod, Advocate for Respondent No.4.  
Shri. Rahul M. Bhangde, Advocate for Intervenors.

**CORAM : ANIL S. KILOR AND**  
**RAJ D. WAKODE, JJ.**

**DATE : 23<sup>rd</sup> APRIL, 2026.**

. Since the learned counsel for petitioner has raised a ground that the entire impugned action taken in this matter is taken by the Government is at the behest of the landowner.

2. In that view of the matter, nothing survives in the intervention application. Accordingly, it is disposed of.

**WRIT PETITION NO.3266 OF 2025**

3. It is the case of the petitioner that after making the application for transfer of the school from Bajaj Nagar, Tumsar, District Bhandara to Shivanagar, Tumsar, on the ground that the existing school building is in dilapidated condition, certain deficiencies were pointed out. However, for certain reasons, the said deficiencies could not be removed, and therefore, the proposal for transfer of the school was not considered.

4. It is submitted that after the proposal for transfer was not considered and came to be rejected for not removing the deficiencies, the petitioner carried the repair work and made the building habitable. It is further submitted that structural and expert report in support thereof are available on record.

5. On a query as to whether, after carrying out such work, any request was made to the authorities/Government to consider the report and the condition of the building and to allow the petitioner to continue the school in the same premises, the learned counsel for the petitioner fairly stated that no such efforts were made and no application was submitted.

6. In that view of the matter, we are of the opinion that a prayer which was never made, in the writ petition cannot be adjudicated. The question whether the school building is habitable or not is to be decided by the concerned authority.

7. Learned counsel for the petitioner, therefore, now seeks permission to approach the Divisional Deputy Director, Nagpur Division, Nagpur with a request to consider subsequent events, namely, the repairs made to the school building and making the same habitable, and to allow the petitioner to continue the school in the said premises.

8. In that view of the matter, we dispose of the present writ petition with permission to the petitioner to approach the Divisional Deputy Director, Nagpur Division, Nagpur, by filing an appropriate application along with all relevant documents in support of its claim. If such an application is made within a period of ten days from today, the Divisional Deputy Director, Nagpur Division, Nagpur, shall decide the same on or before 30.05.2026.

9. The Divisional Deputy Director, Nagpur Division, Nagpur, is at liberty to inspect the school premises, call the reports and do every necessary and appropriate thing, to reach to a just conclusion, before taking a decision.

10. The present writ petition is, accordingly, disposed of. No costs.

(RAJ D. WAKODE, J.)

(ANIL S. KILOR, J.)

TAMBE