

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.4830 OF 2021  
ALONGWITH  
INTERIM APPLICATION NO.16906 OF 2022

Dhamasangini Samaj Prabhodan Mandal ... Petitioner

*Versus*

Deputy Director of Education & Ors. ... Respondents

Mr.R.D. Soni a/w. Mr.Sujay Gawde and Ms.Mudita Pawar i/b.  
M/s.Shree & Co., Advocate for the Petitioner.

Mr.Narendra V. Bandiwadekar, Senior Advocate a/w. Mr.Vinayak  
Kumbhar, Advocate for Respondent Nos.4 and 5.

Mr.Kiran Gandhi i/b. M/s.Little & Co., Advocate for Respondent  
No.6.

Mr.Vaibhav Parshurami i/b. Mr.Vikrant V. Parshurami, Advocate for  
the Applicant.

**CORAM : NITIN JAMDAR AND  
MANJUSHA DESHPANDE, JJ.**

**DATE : 25 September 2023.**

**P.C. :**

Heard the learned counsel for the parties.

2 The Petitioners have challenged the orders passed by  
Respondent No.1 dated 29 March 2011 referring to Rule 12.2  
Secondary School Code. By the impugned communication, the  
management of the school in question i.e. Mahatma Phule  
Madhyamic Vidyalaya, Masale, Belpada, Murbad has been

transferred to Respondent No.4–Trust. The Respondents have taken an objection that there is gross delay in challenging the impugned order dated 29 March 2011 by filing a Petition on 16 June 2021. The Respondents question the locus of the deponent of the Petition and also states that the Petitioner was fully aware of the impugned order. Respondents also contend that the impugned order is passed as per law.

3           The learned counsel for the Petitioner sought to contend that when the Petitioner had asked for necessary records which led to passing of the impugned order, and the Petitioner was informed that the record was not available. The learned counsel for the Petitioner further submits that it has been placed on record by way of a report filed by the Charity Authority dated 12 October 2020 stating that it is the Petitioner who is substantially conducting the school in question.

4           In this circumstances, it would be necessary to ascertain the position as of today as to whether the management of the school in question is with Respondent No.4 or with the Petitioner as asserted by the Petitioner.

5           The learned AGP is not present.

6           We direct the Respondents–Education Authority to examine the position placed on record by the Petitioner and as per

the report submitted by the Charity Authority annexed to this rejoinder.

3 Stand over to 25 October 2023.

(MANJUSHA DESHPANDE, J.)

(NITIN JAMDAR, J.)