

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.961 OF 2016
(Arising out of S.L.P.(C) No.19006 of 2013)

Bhagwantrao Memorial Shikshan
Sanstha

Appellant(s)

Versus

State of Maharashtra and Others

Respondent(s)

O R D E R

Leave granted.

The appellant was granted a certificate of recognition for running Ashram School. As certain deficiencies were pointed out, the State Government vide order dated 5th March, 2015, cancelled the recognition. The said order was assailed before the High Court of Judicature at Bombay, Nagpur Bench, Nagpur, in Writ Petition No.2342 of 2013, and the High Court has passed the following order:

"We find that since 2003 i.e. for last more than 10 years, the petitioners - management has failed to provide adequate infrastructure. The petitioners - management has received grants and as per impugned order, the construction of school building was going on in 2009-10. At that time, the government granted the petitioners period of one year to report compliance by removing all lacunae, however, the petitioners could not report proper compliance and hence the impugned order has been passed.

We fail to understand why in such situation, the government was inclined to grant extension of one year. However, it is not necessary in present facts to go into that controversy. The photographs produced on record show that even when the petition was filed before this Court, the School building was not complete. The impugned order, therefore, cannot be stated to be perverse or without jurisdiction."

After the matter travelled to this Court, by virtue of the interim order passed by this Court, the recognition continued and the deficiencies pointed out by the competent authority of the State have almost been removed.

On the last occasion, we had directed the Secretary of the petitioner-Institution and the Project Officer, I.T.D.P., the respondent No.4 herein, to remain personally present. We have been apprised that there is singular deficiency that is required to be removed. The said deficiency is *pucca* construction of the residential hostel meant for boys and girls of the Institution. The Secretary of the Institution, who is personally present, states that the said deficiency shall be made good within a year from today.

Having heard learned counsel for the parties and the parties, who are personally present in the Court, we direct that the said deficiency shall be made good by end of March, 2017. The cancellation of the recognition shall not be given effect to till 31st March, 2017, and if the deficiency is made good, the cancellation shall be withdrawn.

With the aforesaid modification in the order of the High Court, the appeal stands disposed of. There shall be no order as to costs.

Suo Motu Contempt Petition (C) No.1 of 2015

In view of the aforesaid order passed in the appeal, the proceeding for contempt stands dropped.

.....J.
(Dipak Misra)

.....J.
(N.V. Ramana)

New Delhi;
February 08, 2016.

CORRECTED

ITEM NO.41

COURT NO.4

SECTION IX

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No.19006/2013

(Arising out of impugned final judgment and order dated 26/04/2013 in WP No. 2342/2013 passed by the High Court of Bombay at Nagpur)

BHAGWANTRAO MEMORIAL SHIKSHAN SANST.&ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

(With interim relief and office report)

WITH S.M.C. (C) No.1/2015 In S.L.P. (C) No.19006/2013

Date: 08/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA
HON'BLE MR. JUSTICE N.V. RAMANA

For Petitioner(s) Mr. V.C. Daga, Sr. Adv.
Mr. Manish Pitale, Adv.
Mr. Wasi Haider, Adv.
Ms. Deeplaxmi S. Matwankar, Adv.
Mr. Chander Shekhar Ashri, AOR

For Respondent(s) Mr. Mahaling Pandarge, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed
order.

S.M.C.(C) No.1/2015 In S.L.P.(C) No.19006/2013

In view of the order passed in the appeal, the proceeding for contempt stands dropped.

(Chetan Kumar)
Court Master

(H.S. Parasher)
Court Master

(Signed order is placed on the file)