

ITEM NO.14

COURT NO.7

SECTION IX

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

I N D I A

Petition(s) for Special Leave to Appeal (C)

No(s). 19006/201

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(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)

s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

s)

(with interim relief and office report)

Date : 13/05/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

Mr. V.C. Daga, Sr. Adv.
Mr. Manish Pitale, Adv.
Ms. Ritu Rastogi, Adv.
Mr. Chander Shekhar Ashri, Adv.

For Respondent(s)

Mr. Mahaling Pandarge, Adv.
Mr. Nishant Katneshwarkar, Adv.
Mr. Aniruddha P. Mayee, Adv.

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

for the petitioners Heard Mr. V.C. Daga, learned senior counsel
for the respondents. and Mr. Mahaling Pandarge, learned counsel

Mr. Daga, learned senior counsel for the petitioners placed
before us a Compliance Report in the form of affidavit of Hussain
Gangaram Tankalwar, Headmaster of petitioner No.2/School along with
the photographs of the present stature of the school premises.

Signature Not Verified

Digitally signed by
Narendra Prasad

Learned senior counsel submitted that the petitioners forwarded a

Date: 2015.05.18

16:38:23 IST

Reason:

copy of our order dated 27.4.2015 and requested
the

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respondents/Authorities to cause an inspection of the school after
the improvements were made by their communication dated 12.5.2015.

Having considered the above submissions, we are of th

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considered view that in order to facilitate the children in the remote area in which the school is situated, which is said to be a backward tribal and naxalite affected area, it will be better if the school starts functioning at least from the Academic Year 2015-16, which will definitely enhance the living condition and mind set of the people in and around the said school.

With that view, in the first instance, we direct Respondent Nos.2 to 4 to pass a provisional order permitting the petitioners to commence the Academic Session for classes I to VI.

Simultaneously, the respondents are also directed to carry out the inspection of the newly renovated school premises and if any improvements are to be made specific directions be given to the petitioners to carry out such additional works in order to ensure that the safety of the children to be admitted in the school is not in any way hampered.

Since, the admission will take place for the Academic Year 2015-16 and the classes would commence only from June, 2015 there should be no impediments for the respondents to give necessary instructions to carry out any further reasonable improvements to be made in the school campus to enable the petitioners to commence the Academic Session from the month of June, 2015.

After carrying out such inspection and after giving necessary directions to the petitioners, the respondent Nos.2 to 4 are also directed to file their response to the Compliance Report filed by the Headmaster. The affidavit above mentioned shall be taken on record. Liberty is granted to the petitioners to file the same on or before 14.5.2015.

Call this matter on 27.7.2015.

(NARENDRA PRASAD)
COURT MASTER

(SHARDA KAPOOR)
COURT MASTER