

ITEM NO.9

COURT NO.7

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 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 Judicature at Bombay Bench at Nagpur)

BHAGWANTRAO MEMORIAL SHIKSHAN SANST.&ANR

Petitioner(s)

VERSUS

STATE OF MAHARASHTRA & ORS.

Respondent(s)

Date : 07/09/2015 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA
HON'BLE MR. JUSTICE UDAY UMESH LALIT

For Petitioner(s)

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

For Respondent(s)

Mr. Mahaling Pandarge, Adv.
Mr. Nishant Ramakantrao Katneshwarkar, A.O.R.

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

We have considered the affidavit filed by Ramachandra Sonkavade, son of Ratilal Sonkavade, presently working as Project Officer, Integrated Tribal Development Project, Bhamragad, District Gadchiroli.

In the affidavit, it has been stated that vide Government Resolution dated 12th August, 2015, provisional permission has been granted to the School for commencing the academic session 2015-2016. A copy of the Resolution has also been placed on record. The affidavit also reveals that the authorities were aware that the School is situated in a remote, inaccessible, naxalite area and, therefore, there are some constraints in the local area such as incessant rains etc. However, it is pointed out that based on the inspection, certain defects in the infrastructure facilities continue to remain which are required to be rectified by the petitioners.

In paragraph 5, it is also mentioned that considering the facilities provided by the petitioner-School and also to cater to the educational needs of the local residents, the Project Officer, Integrated Tribal Development Project, Bhamragad, namely respondent No. 4 recommended for continuing the said school.

In the light of the above affidavit filed by the Project Officer, we are not inclined to take

any further action by way of contempt. However, since, some defects have been pointed out by the authorities, it is for the petitioner-School to rectify those defects within a stipulated time period to enable the authorities including the Project Officer to consider grant of final permission on a regular basis for running the School for the benefit of the local tribal population living in and around the said school.

We, therefore, direct the petitioners to rectify the defects pointed out by the Project Officer which has been listed out in paragraph 3 of the affidavit. Such rectification shall be carried out within four weeks and reported to the Project Officer for carrying out further inspection and thereafter on being satisfied with the compliance reported by the petitioner-school, the respondents are directed to pass appropriate orders for grant of regular permission to run the School. Such consideration and order shall be passed by the respondents in the Special Leave Petition within four weeks after compliance is reported by the petitioner.

The Suo Motu Contempt Petition as well as the Special Leave Petition be listed for hearing after eight weeks. The presence of the alleged contemnors 2 to 4 is dispensed with for future hearings.

[KALYANI GUPTA]
COURT MASTER

[SHARDA KAPOOR]
COURT MASTER