

ITEM NO.9

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 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

Signature Not Verified

Digitally signed by
Kalyani Gupta
Date: 2015.09.07
16:56:13 IST

Tribal Development Project, Bhamragad, District

Reason:

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In the affidavit, it has been stated that vide
Government Resolution dated 12th August, 2
provisional permission has been granted to
School for commencing the academic sessio
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
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 facilitie
continue to remain which are required to
rectified by the petitioners.
In paragraph 5, it is also mentioned
considering the facilities provided by
petitioner-School and also to cater to
educational needs of the local residents,
Project Officer, Integrated Tribal Development
Project, Bhamragad, namely respondent No.
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.

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

We, therefore, direct the petitioners
to rectify the defects pointed out by the P
roject

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
and Officer for carrying out further inspection

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 b
y the respondents in the Special Leave Petition within
y the four weeks after compliance is reported b
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