

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6727 of 2010

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Shikshan Mandal, through the
Secretary Dr.R.G.Prabhune & ors. ...Petitioners

vs.

State of Maharashtra & Ors. ...Respondents

Mr.A.V.Anturkar i/b. Sugandh B.Deshmukh, for
Petitioners.

Mr.S.R.Nargolkar, Add. GP for State.

WITH
WRIT PETITION NO.6846 OF 2011
WITH
WRIT PETITION NO.3061 OF 2011
WITH
WRIT PETITION NO.3150 OF 2011
WITH
WRIT PETITION NO.5887 OF 2011
WITH
WRIT PETITION NO.6019 OF 2011
WITH
WRIT PETITION NO.6107 OF 2010
WITH
WRIT PETITION NO.6248 OF 2010
WITH
WRIT PETITION NO.6348 OF 2010
WITH
WRIT PETITION NO.6481 OF 2010

WITH
WRIT PETITION NO.6846 OF 2010
WITH
WRIT PETITION NO.7282 OF 2010
WITH
WITH
WRIT PETITION NO.7608 OF 2010
WITH
WRIT PETITION NO.7622 OF 2010
WITH
WRIT PETITION NO.7623 OF 2010
WITH
WRIT PETITION NO.7672 OF 2010
WITH
WRIT PETITION NO.7730 OF 2010
WITH
WRIT PETITION NO.8184 OF 2010
WITH
WRIT PETITION NO.8450 OF 2010
WITH
WRIT PETITION NO.8457 OF 2010
WITH
WRIT PETITION NO.8460 OF 2010
WITH
WRIT PETITION NO.8465 OF 2010
WITH
WRIT PETITION NO.8467 OF 2010
WITH
WRIT PETITION NO.8469 OF 2010
WITH
WRIT PETITION NO.8557 OF 2010
WITH
WRIT PETITION NO.8848 OF 2010
WITH
WRIT PETITION NO.9317 OF 2010

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Mr.S.S.Pakale i/b Sandeep Koregave for Petitioner in
WP3061 & 3152 of 2011.

Mr.Vishwasrao S.Deokar, for Petitioner in WP 5887 of 2001.

Mr.Neel G.Helekar for Petitioner in WP 6019 of 2010.
Mr.R.M.Pethe, for Petitioner in WP 8184 of 2010.
Mr.S.R.Ganbavale for Petitioner in WP 8450 of 2010.
Mrs.Ujjawala. A. Mahajan for Petitioner in WP 8848 of 2010.
Mr.S.R.Nargolkar, Addl. G.P. for State.

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CORAM: D.K.Deshmukh,
Anoop V. Mohta &
K.K.Tated, JJJ.

DATED: 3rd February, 2012

P.C.:

After having heard the learned Counsel for the Petitioners and the learned Addl.G.P. for some time, we find that though under the 2009 Act the Rules have been framed under those Rules even for recognition of the existing schools and for starting new schools mapping of the State is mandatory.

2. We have been informed by the learned AGP appearing for the Government that the Government has taken steps to do the mapping.

3. In our opinion, this reflects very sad state of affair. By amending the Constitution, right to education to children up to

to the age 14 years has been guaranteed. The Parliament has enacted 2009 Act in 2009. The State Government took its own time to frame the Rules. Without framing Rules many of the provisions of the Act are not capable of being implemented. The Rules came into force in the month of October, 2011. The Rules includes the provision for mapping of the State for the purpose of granting recognition to new schools and also for recognition of existing schools. But though after framing the Rules, three months have been elapsed, the mapping is not complete. The net result is that the Government cannot recognise existing schools as also new schools.

4. In this view of the matter, therefore, it would be appropriate to direct the State Government to make its stand clear and to place before the court the material to show what steps have been taken for carrying out the mapping, which is contemplated by the Rules and the time frame within which the State Government proposes to complete that exercise. The State Government shall also make its stand absolutely

clear in relation to Questions Nos. 2 & 3 framed by the Division Bench in the referring judgment.

Place the matter for hearing on 17-2-2012.

(D.K.Deshmukh,J.)

(Anoop V.Mohta, J.)

(K.K.Tated, J.)