

IN THE HIGH COURT OF BOMBAY AT GOA

LD-VC-CW NO. 46 OF 2020

Chairman Bal Gyan Vikas Education Society ..... Petitioners

*V e r s u s*

State of Goa & Ors. .... Respondents

Mr. S. D. Lotlikar, Senior Advocate with Mr. C. Padgaonkar, Advocate for the Petitioner.

Mr. D. Pangam, Advocate General with Ms. Maria Correia, Additional Government Advocate for the Respondent nos. 1 to 4.

Coram :- M. S. SONAK &  
M. S. JAWALKAR, JJ.

Date : 06<sup>th</sup> October, 2020

P.C.

1. Heard Mr. S. D. Lotlikar, learned Senior Advocate for the petitioners and Mr. D. Pangam, learned Advocate General for the respondents.

2. By our previous orders, we had directed the respondents to inspect the alternate building provided by the petitioners. However, it now transpires that this alternate building has no occupancy certificate and further the

learned Advocate General pointed out that even otherwise, the same may not be suitable for operation as a school.

3. Mr. S. D. Lotlikar, the learned Senior Advocate for the petitioners, submits that in view of the objections raised on behalf of the respondents, petitioners provided additional space in the existing school building where the petitioner operates classes up to standard VIIIth. Mr. Lotlikar, learned Senior Advocate pointed out that this is a minority institution and atleast about 20 students are now to be promoted to standard IXth. He pointed out that if, at this stage, permission is denied to open standard IXth, the functioning of the school post standard VIIIth will virtually come to a grinding halt. Mr. Lotlikar, learned Senior Advocate, states that within this week itself, an application will be made to the respondents placing on record the proposal to utilize the additional space in the existing building starting standard IXth classes. He submits that the concerned respondents may be directed to inspect this additional space and facilities at the earliest and thereafter indicate whether objections for commencement of standard IXth are cleared.

4. If the petitioner indeed files such an application giving all necessary particulars with the consent of respondents, then, we direct the concerned respondents once again to inspect the premises so offered within a period of one week from the date of receipt of such application. After inspection and consideration of the additional space/facilities offered, concerned respondents to file additional affidavit in this matter within a period of one week thereafter. Advance copy of such affidavit to be furnished to the learned Counsel for the petitioner.

5. We tentatively post this matter for further consideration on 19.10.2020.

6. Taking into consideration the fate of students is involved, we direct both the respondents as well as the petitioners to act with utmost dispatch in this matter.

M. S. JAWALKAR

M. S. SONAK, J.

arp/\*