

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.783 OF 2002

1. Sant Kabir Shikshan Prasarak Mandal,.. Petitioners
Osmanabad, through its President,
Sudas S/o. Anantrao Daware,
Age-46 years, Occu-President of
Sant Kabir Shikshan Prasarak Mandal,
R/o. Bhimnagar, Near Civil Hospital,
Osmanabad, Tq. & Dist. Osmanabad
2. Dr. Babasaheb Ambedkar Vidyalaya,
Bhimnagar, Osmanabad.
Through its Head Master

Versus

1. The State of Maharashtra. .. Respondents
2. The Deputy Director of Education,
Aurangabad Division, Aurangabad.
3. The Education Officer (Secondary)
Zilla Parishad, Osmanabad,
Tq. & Dist. Osmanabad.

Mr.S.S.Jadhavar, Advocate for petitioners.
Mr. S.R.Palnitkar, AGP for respondent/State.

**CORAM : A.V. NIRGUDE &
V.K. JADHAV, JJ.
DATED : 14.01.2015**

JUDGMENT : [PER: A.V.NIRGUDE J,] :-

1. Heard. This petition is filed for seeking directions to the respondents to release and pay all non-salary grants to the petitioners. The petition is filed in 2002 and therefore we assume that the demand pertains to the period prior to filing of the petition (11.02.2002).

2. The facts mentioned in this petition are as under:-

3. Petitioner No.1 is an education society and a public trust. In 1984 they were granted permission to start secondary school at Bhimnagar area of Osmanabad on no-grant basis. In 1991 the school received 100% grant-in-aid from the State Government, but the Government was paying only salary grants and was avoiding to pay non-salary grants to the society. It appears from the record that in 1993 also petitioner No.1 occupied a building in Bhimnagar area belonging to one Milind Daware for running the school. In 1999 the action of taking building on rent for the purpose of running the school was approved by the Deputy Director of Education. On 24.01.2000 the Deputy Director of Education directed the Education Officer, Osmanabad to pay Rs.5,400/- per month towards rent of this building from 01.06.1993. Unfortunately, in 1994 or so, the Government took over the management of the school by making appointment of an Administrator. This Administrator continued to work till November, 2001. The petitioners mainly contended that they are

entitled to non-salary grants for a period between 1993 till the date of petition. But, on the face of it, this demand is untenable between 1995 to 2001. Admittedly, the petitioners were not managing the affairs of the school. There is nothing on record to show that the petitioners paid rent of the building from 1993 onwards and so they were entitle to reimbursement of this amount. Even otherwise in the reply submitted by the State of Maharashtra, it is mentioned that all the non-salary grants are paid to the petitioners. Part of this amount was diverted towards subsistence allowances of one of the employees of the school.

4. In view of this the petitioners should not have any grievance of non-payment of non-salary grants.

5. The petition should, therefore, fail. Hence the writ petition is dismissed. Rule discharged. No costs.

[V.K. JADHAV,J.]

[A.V. NIRGUDE,J.]