

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

WRIT PETITION NO. 2702 OF 2005

Shri Bhaiji Maharaj Shikshan Prasarak
Mandal, Pimpri (Khurd) through its
Secretary, Shri Kondu S/o Narayan Surve.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri D R. Shelke, Advocate for the Petitioner.
Shri S. G. Sangle, A.G.P. for Respondents/State.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 28TH APRIL, 2015.**

PER COURT :-

. Mr. Shelke, the learned counsel for the petitioner submits that, placing reliance on the resolution of the Government, the petitioner is entitled for grant of financial assistance. The petitioner had started running private hospital for the financial year 2000-2001. The respondents accorded approval for giving grant to the petitioner of Rs. 1,47,080/-. The said amount is also paid. For the year 2001-2002 the recommendation was made for giving grant of Rs. 2,76,029.25. However, inspite of repeated representations, no action has been taken by respondents on the ground of lack of funds. The Rural Hospital from 2003 was

required to be closed down. The society had employed two doctors, one clerk, two male care takers, one watchman in a rented premises. For want of funds and closure of the hospital the villagers are suffering.

2. The learned Assistant Government Pleader submits that, to receive a grant is not a right of a party. It is only if, all the documents and terms are complied with and funds are available, then, the grants are given. The Deputy Director is not the final authority. The learned A. G. P. submits that, the society has not fulfilled the conditions. Therefore, financial assistance is not admissible to the petitioner.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. There appears recommendation of the Deputy Director to the Joint Director about the grant payable to petitioner and the compliance made by the petitioner. However, it does not appear that the Joint Director has taken any decision upon the same.

5. In the light of the above, we pass the following order.

6. The Joint Director shall take decision on the recommendation given by the Deputy Director (Exhibit - C). The

petitioner is at liberty to put forth its stand before the Joint Director. The Joint Director shall process the same and take decision on it, if he is authorized to take the decision and if he is not the authority then forward the same to the authority who is empowered to do the same. The said exercise shall be done within a period of four (4) months from today. The writ petition is disposed of. Rule discharged. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15