

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO.:3230 OF 2013

Lok Jagruti Shikshan Sanstha, Walandi
VERSUS
The State of Maharashtra and others

Mr. Godsay Satish M., Advocate for Petitioner.
Mr. K.G.Patil, A.G.P. for Respondent/State Authorities.
Mr. P.G. Rodge, Advocate for Respondent No.4.

WITH
CIVIL APPLICATION NO.:8037 OF 2014
IN
WRIT PETITION NO.:3230 OF 2013

Dr. Sudarshan Sambhajirao Pedge and others
VERSUS
The State of Maharashtra and others

Mr. Shinde Ram S., Advocate for Applicants.
Mr. K.G.Patil, A.G.P. for Respondent/State Authorities.
Mr. Godsay Satish M., Advocate for Respondent (Petitioner in WP.)
Mr. P.G. Rodge, Advocate for Respondent No.4.

WITH
CIVIL APPLICATION NO.:3144 OF 2015
IN
WRIT PETITION NO.:3230 OF 2013

Lok Jagruti Shikshan Sanstha, Latur
VERSUS
The State of Maharashtra and others

Mr. Godsay Satish M., Advocate for the Applicant.
Mr. K.G.Patil, A.G.P. for Respondent/State Authorities.
Mr. P.G. Rodge, Advocate for Respondent No.4.

AND

WRIT PETITION NO.:1720 OF 2013

Jyoti Bahuuddeshiya Sevabhavi Sanstha's,
Dyanteerth Science College

VERSUS

The State of Maharashtra and others

Mr. Karad Atul M., Advocate for Petitioner.

Mr. K.G.Patil, A.G.P. for Respondent/State Authorities.

Mr. Rodge Pratap G., Advocate for Respondent No.3.

**CORAM : S. V. GANGAPURWALA and
V. L. ACHLIYA, JJ.**

DATE : 09th March, 2015.

PER COURT:

1 Both these writ petitions are based on similar set of facts, as such, are dealt together.

2 The Petitioners in both these writ petitions are claiming grant in aid for the Commerce and Science faculty, so also challenging the grant in aid, which is sanctioned and released in favour of the Respondent – Institution.

3 Mr.Karad, learned counsel and Mr.Godsay, learned counsel for respective Petitioners strenuously contend that the Respondent – Institution was granted permission on 18th June, 2008, to run professional course only. The permission of 11th July, 2009, in favour of the Respondent could not have been granted as it was only for the existing institutions. The Respondent was not running Commerce and

Science faculty prior to grant of permission i.e. 11th July, 2009. The Petitioner in Writ Petition No.1720 of 2013, is granted permission to run Commerce and Science faculty vide order dated 11th July, 2009, and the Petitioner in Writ Petition No.3230 of 2013, is granted permission to run Arts and Commerce faculty in the year 2001. According to the learned counsel, the grant in aid sanctioned to the Respondent – Institution as per the policy of sanctioning grant in aid to only one institution in a particular Taluka, is illegal and does not stand to any reason. Respondent No.3 – Institution could not have been considered for grant in aid, as it cannot be said to be an institution existing on the date of the order.

4 Mr.Rodge, learned counsel for the Respondent – Institution supports the order and submits that the permission was already granted to the Respondent – Institution on 11th July, 2009, to run Commerce and Science faculty and in the year 2008, was granted permission to run professional course. The task force has conducted an inquiry and recommended the proposal of the Respondent.

5 We have also heard the learned Additional Government Pleader, who submits that the Petitioner in Writ Petition No.3230 of 2013, did not start Commerce faculty though the permission was granted in the year 2001 and there were deficiencies. The proper staff was not

appointed. Three times the matter was referred to the Director of Higher Education. Thrice the inquiry has been conducted and the proposal of Respondent – Institution has been considered for grant in aid as per the policy of the Government. So also, in Writ Petition No.1720 of 2013, after inquiry and necessary reports having been received, the case of the Respondent – Institution has been considered.

6 We have considered the submissions canvassed by the learned counsel for respective parties. This Court would not sit in appeal over the decision taken by the Authorities with regard to grant in aid. After conducting inquiry, inspection and getting the reports, the Authorities have sanctioned grant in aid. The procedure appears to have been followed while sanctioning grant in aid in favour of the Respondent – Institution. This Court would be concerned with the decision making process, which it appears, has been followed.

7 No patent illegality has been shown for us to interfere in the order of the Authorities sanctioning grant in aid in favour of Respondent – Institution for Commerce and Science faculty.

8 It is submitted that the policy now has been changed and the word “permanent” has been deleted by the Government and the

Petitioners – Colleges can also be considered for grant in aid.

9 In case, the policy has been changed by the Government regarding grant in aid to be given to the various colleges, then the Petitioners in that case, may apply afresh for grant in aid, which proposal shall be considered by the State as per the existing policy, on its own merits, expeditiously.

10 In case, the application is already received by the State, the State shall take decision upon the same, expeditiously.

11 Accordingly, the writ petitions are disposed of. No costs.

12 In view of disposal of the writ petitions, pending civil applications also stand disposed of.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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