

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

WRIT PETITION NO. 5680 OF 2014

Trimbakeshwar Bahuudeshiya Shikshan
Prasarak Mandal, Tamalwadi, Tuljapur .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri R. N. Dhorde, Senior Counsel i/by Shri V. R. Dhorde,
Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 4.

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

DATE : 11TH FEBRUARY, 2015.

PER COURT :

. Mr. Dhorde the learned senior counsel submits that vide order dated 27th October, 2009 the State had considered that pursuant to the proposal submitted, the 3rd division of 8th standard was brought on grant in aid from the year 1997-1998, 3rd division of 9th standard was brought on grant in aid from the year 1998-1999 and the 3rd division of 10th standard was brought on grant in aid from 1999-2000. But, however the said order contends that the grants would not be admissible from retrospective effect. The learned senior counsel submits that the said order is illegal and does not stand to any reason. According to the learned senior counsel inspite of said order being passed

subsequently on 30th June, 2014 it is stated that the these divisions are brought on grant in aid from 2011-2012. There was no propriety in passing the said order.

2. Mr. Shinde the learned Assistant Government Pleader states that, the said institution is brought on grant in aid as per the availability of the funds and order dated 27th October, 2009 reflects the said position.

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

4. The order dated 27th October, 2009 is self explanatory. We are not inclined to entertain the challenge to the order dated 27th October, 2009, as same is made for the first time in the year 2014.

5. As far as the order dated 30th June, 2014 is concerned it is stated that since the year 2011-2012 the said divisions are brought on grant in aid. In fact vide order dated 27th October, 2009 the divisions as referred in the said order are already brought on grant in aid and it states that, grant in aid would not be applicable with retrospective effect. As such said divisions ought to have been considered on grant in aid at least from 27th October, 2009.

6. In light of the above the impugned order to the extent of Government Resolution dated 30th June, 2014 is modified to the extent that the divisions as referred in order dated 27th October, 2009 will be deemed to have been brought on grant in aid from 27th October, 2009 to the extent of petitioner only. This order is passed in view of the earlier order dated 27th October, 2009 passed by the State itself. The respondents shall take steps to release the funds as admissible and as per its availability expeditiously. The writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]