

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1279 OF 2015

Senapati Tatya Tope Shikshan

Prasarak Mandal and Another

..Petitioners

Vs.

The State of Maharashtra and Others

..Respondents

WITH

WRIT PETITION NO. 1280 OF 2015

Maharashtra Arogya Mandal and Another

..Petitioners

Vs.

The State of Maharashtra and Others

..Respondents

Mr. Saurabh Pakale a/w Mr. S. S. Pakale i/b Avinash Belge,for the
Petitioners.

Mr. A. B. Vgyani, G. P.,for the Respondent State.

**CORAM :- MOHIT S. SHAH, C.J. &
B. P. COLABAWALLA, J.**

DATE :- FEBRUARY 9, 2015.

P. C.:

These writ petitions raise similar issues as were raised in Writ Petition No. 8478 of 2013 which was disposed of by our order dated 16 July 2014 read with order dated 6 August 2014. The said orders have been subsequently modified by our order passed on 7 January 2015 in Civil Application No.2367 of 2014. Following the aforesaid orders read with aforesaid modification, we dispose of these writ petitions in the same terms, that is to say in terms of the following directions/clarifications:-

- (i) The directions contained in para 6(iii) and (v) for releasing the salary grant under the Government Resolution dated 15 November 2011 shall not apply till the Director of Education takes a decision in the matter which shall be done within 6 weeks from today.
- (ii) It is clarified that if an institution is found to be eligible to receive grant under the Government Resolution dated 15 November 2011, it shall not be denied the grant on the ground of not following the reservation policy prior to the date of making the application for the grant under the Government Resolution dated 15 November 2011.

- (iii) If in light of the above directions and clarifications the authorities take any tentative decision to issue a show cause notice for rejecting the application of the concerned school managements, the show cause notice shall be issued within 3 weeks from today giving an opportunity to the school managements to reply and to file documentary evidence after receipt of the show cause notice and the Director of Education shall give them personal hearing and take a decision within 3 weeks thereafter.
- (iv) If no show cause notice is issued to the school management within 3 weeks from today, the authorities shall release the grant in their favour within 6 weeks from today.
- (v) Liberty to apply in case of difficulty.

CHIEF JUSTICE

(B. P. COLABAWALLA, J.)