

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

C.A.W.NO. 615/2015 AND W.P.NO. 2636/2003.

Rasnta Sant Tukdoji Maharaj Technical & Education Society

-VERSUS-

State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.**

DATE : APRIL 01, 2015.

Heard Shri P.C. Madkholkar, learned
Counsel for the petitioner and Mrs. B.H. Dangre,
learned G.P. For respondents.

2. Writ Petition is filed for directions to
respondents to immediately extend grant-in-aid facility
to petitioner society for running English medium
Ashram School for Scheduled Caste Boys and Girls,
since the year 1999-2000.

3. After hearing the respective counsel, this
Court on 10.02.2015 noted that the said Ashram
School was sanctioned with clear understanding that

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it would be on no grant basis. Because of arguments of learned counsel for petitioners pressing into service inability of Management to run the school, we ordered listing of matter for final hearing on 24.02.2015, at the end of board. Thereafter the matter came to be adjourned from time to time. Learned Government Pleader in the meanwhile again obtained instructions and informed the court that there is no change in the policy of the State Government and grants cannot be extended to the petitioner school.

4. It is in this background that we have looked into Civil Application No.615/2015 and also the Writ Petition.

5. Learned counsel for petitioner has invited attention to relevant documents to urge that though the ashram school is being sanctioned on no grant basis, subsequent developments entitle it to claim grants. Order passed by the Maharashtra State Human Rights Commission on 15.05.2006 is pressed into service to show the entitlement. He further submits that this direction of Human Rights Commission has been looked into by the State Government and lastly in 2014, the Hon'ble Minister has put a remark that with

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condition of withdrawal of the present writ petition, the grant in aid is being sanctioned. Learned counsel for petitioner submits that the petitioner is ready and willing to withdraw the present writ petition if grants are released.

6. Learned Government Pleader submits that the said proposal is still not accepted and the finance department has already placed on record its inability and disapproval. She further submits that the recommendations of the Maharashtra State Human Rights Commission were also looked into by the competent authority which found that the power to sanction or refuse grants was with the State Government and basically revolve around the policy decision. Following that policy decision, the grants were refused after the said order of State Human Rights Commission.

7. Our attention is invited to earlier round of litigation i.e. Writ Petition No. 3515/1999, where this Court on 10.09.1999 directed the department to consider the orders of Hon'ble Minister then in force. Thereafter on 19.01.2000 in the light of said directions, on experimental basis and expressly on no

grants basis, the ashram school came to be permitted from the year 1999-2000. The demand as made in the present writ petition was made in the said Writ Petition No. 3058/2000 and this Court dismissed that writ petition. Thus, this is second such effort. Our attention is also invited to reply filed by the State Government pointing out its policy and the circumstances in which as per Government resolution dated 01.06.2006, State Government started 100 schools. She submits that the petition is liable to be dismissed.

8. After hearing the respective counsel, we find that this request made by the petitioner is already looked into and rejected by this Court while adjudicating Writ Petition No.3058/2000 on 03.09.2001. Thereafter, the petitioner approached the said State Human Rights Commission and State Human Right Commission issued certain directions. The State Government found that those directions were not binding upon it, and it was competent to take suitable decision as per its policy. The said policy was then implemented in case of petitioner again on 14.11.2006 by holding that the petitioner could not be

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given grants. The note put up by the department before the Hon'ble Minister is in this background.

9. It is therefore, obvious that the demand of petitioner for grants is already looked into and rejected by the State Government. Petitioner was already aware that permission has been given strictly on no grants basis. As such we find no case made out, Civil Application and Writ Petition are thus, disposed of. No cost.

Rgd.

JUDGE

JUDGE