

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

1. W.P.No. 3250 of 2013
(Shri Vasantrao Atmaramji Goswami and others vs. State of Maharashtra and others.)
2. W.P.No. 3897 of 2013
(Yuganter Shikshan Sanstha vs. The State of Maharashtra & others).

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 : 23.3.2015

Heard Advocate Shri A.Z.Jibhkate and Advocate Shri B.G.Kulkarni for petitioners and Shri A.M.Deshpande, learned AGP for respondents in both the matters and Advocate Shri S.V.Purohit, for the Maharashtra State Electricity Distribution Company Limited in W.P.No. 3897 of 2013.

2. As facts are still to crystallize we are not required to go into the niceties of individual challenge. The grievance of

the petitioners, in nutshell, is that the norms still in operation elsewhere in State of Maharashtra for releasing the grants to the students residing in the Hostels, are not being followed in Bhandara. They also contend that this has happened after the change of incumbent working as Social Welfare Officer.

3. The learned AGP has invited our attention to the reply affidavit. He submits that the proposals for releasing the grants are forwarded by the concerned Hostels in which students are residing and those proposals are then scrutinized. In past there had been audit objections and hence after proper verification, it was found that excessive grants were being claimed. He also wants to invite our attention to other details in this respect.

4. One of the bone of contentions between the parties, is about the number of students and proportionate area per square ft. required to be made available for them. According to the petitioners, the area varies from 24 sq. ft. to 40 sq. ft. per head. They submit that in a given case, if 480 sq. ft. area is available in a hostel, then 20 students can be legitimately accommodated and grants can be disbursed for 20 students.

But the respondent no.4 considers 40 sq. ft. as norm and, therefore, is releasing grant only for 12 students though 20 students are available. The other grievance is refusal to accept the fair rent determined by P.W.D. Which earlier was a valid document.

5. The justification offered by the respondent no.4 is the Resolution of the State Government dated 16.3.1990. They also point out the defence in reply affidavit.

6. The petitioners, however, pointed out that till recently this system was being followed at Bhandara also and it has been deviated. We need not to delve more into this argument if the system in operation elsewhere in the State of Maharashtra, is being departed in Bhandara District by them. When the system in vogue in that District is being altered and a new norm is being introduced, may be on account of some audit objection, an opportunity should have been give to the petitioners. When they submit the proposals, the data given by them in those proposals, can be verified. If that data is unacceptable, the petitioners must be made aware of it and the reasons for not accepting should also be informed to them.

After verification of their records and, if necessary, after physical inspection, the proposals can be finalized.

7. As we find that the said exercise has not been undertaken and the proposals submitted by the petitioners have been rejected or varied to their disadvantage behind their back, we are not in a position to sustain the action. As the bills submitted by the petitioners are available with the office of the respondents, we direct the petitioners to appear before the respondent no.4 to support their demand in those bills/ proposals on 6th April, 2015. The said Officer shall peruse those proposals and after extending an opportunity of hearing to respective petitioners, take suitable decision on claims made therein, within a further period of 8 weeks. If necessary, the records of the petitioners shall be summoned and looked into for that purpose.

8. As a result of this exercise, if any amount becomes payable to the petitioners, same shall be released to the petitioners within next eight weeks. Acceptance of that amount shall not preclude the petitioners from challenging the correctness of the exercise undertaken.

9. With these directions leaving all rival contentions open, we dispose of the petitions. No costs.

An ordinary copy of this order be given to the parties.

JUDGE

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