

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

WRIT PETITION NO.4524 OF 2014

[Citizen's Education Society, Nagpur and one .vs. State of Maharashtra and others]

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Shri P.D. Meghe, counsel for the petitioners,
 Shri K.L. Dharmadhikari, AGP for the respondent nos.1 to 3,
 Shri J.Y. Ghurde, counsel for the respondent no.4.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.

DATED : APRIL 21, 2015.

By this petition, the petitioners seek a direction to the respondent nos.1 to 3 to sanction grant-in-aid to the post graduate course i.e. Master of Social Work in the petitioner no.2-Institute of Social Works.

The petitioner claims to have started the BSW course in the year 1967 and with the permission of the State of Maharashtra, the post graduate course/master of social work was also started with effect from 1992-93. The petitioner sent the proposal to the respondent no.2 for seeking grant-in-aid for the MSW course for the year 2013 and it is the case of the petitioner that the respondent no.2 asked the petitioner to remove certain deficiencies. It is stated that after the deficiencies were removed, the proposal ought to have been decided by the State Government, but the State Government has not decided the proposal of the petitioner. It is stated that it is necessary for the respondents to bring the MSW course conducted by the petitioner no.2-Institution on grant-in-aid basis. The petitioner had relied on the Government Resolution dated 12.3.1981, for seeking grant-in-aid.

The respondent nos.1 to 3 have filed the affidavit-in-reply. It is stated therein that the petitioner no.2 was permitted to start the MSW course only on no-grant-in-aid basis, with effect from 1992-93. It

is stated that the petitioner was granted permission on no-grant-in-aid basis after the issuance of the Government Resolution dated 12.3.1981 and, therefore, the petitioner cannot seek grant-in-aid on the basis of the said resolution. It is stated that, by the Government Resolution dated 24.8.2004, the State Government has decided not to grant permission to the BSW or MSW courses either on grant-in-aid or no-grant-in-aid basis. It is stated that, by communication/letter dated 16.10.2008, it was conveyed by the Social Justice and Special Assistance Department to all universities that they should not accept and sent any proposal for approval of BSW or MSW courses either on grant-in-aid or no-grant-in aid basis. In the aforesaid background, as per the policy of the State Government, the respondents sought for the dismissal of the writ petition.

On hearing the learned counsel for the parties, it appears that a direction cannot be issued to the respondents to sanction grant-in-aid for the MSW course. The petitioner was granted permission for starting the MSW course, by an order dated 18.7.1992. The order clearly mentions that the permission was on no-grant-in-aid basis. The petitioner had relied on the Government Resolution dated 12.3.1981 to seek grant-in-aid. The reliance placed by the petitioner on the Government Resolution dated 12.3.1981 to seek grant-in-aid from the academic session is ill-founded, as after the issuance of the State Government Resolution, permission was granted to the petitioner to start the MSW course on no-grant-in-aid basis in 1992. The petitioner does not disclose the source of his right to seek grant-in-aid basis, specially when the petitioner was permitted to start the MSW course on no-grant-in-aid basis. Neither the Government Resolution dated 12.3.1981 would help the petitioner nor can the petitioner seek any support from Government Resolution dated 24.8.2004. It cannot be said that MSW course falls in 'A' category and, therefore, the petitioner is entitled to receive the grant-in-aid. The Government Resolution dated 24.8.2004 only stipulates that a list of colleges to which grant-in-aid is sanctioned would be released. It is not the case of the petitioner that the name of the petitioner is included in any of the lists that are released by the State Government. We do not find that the petitioner

has made out a case for receiving grant in aid in view of Government Resolution dated 24.8.2004. The said resolution is not relevant for considering the claim. In fact, Social Justice and Special Assistance Department has informed the universities and all concerned, by the communication dated 16.10.2008, that they should not accept and sent any proposal for starting BSW or MSW courses either on grant-in-aid or no grant-in-aid basis. Since the petitioner does not have a right to seek grant in aid from the Government, the relief sought by the petitioner cannot be granted.

In view of the aforesaid, the writ petition fails and is dismissed, with no order as to costs.

JUDGE

JUDGE

Gulande