

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

WRIT PETITION NO. 5020/2014.

Late Ujjanabai Kotambkar Gramin Vikas Sanstha and another.

-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

Shri S.D. Chopde, Advocate for the Petitioners.
Shri A.D. Sonak, A.G.P. for the Respondent Nos. 1 and 2.
Shri P.D. Meghe, Advocate for the Respondent No.3.

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

DATE : JULY 28, 2015.

Heard.

By this petition, the petitioners seek a direction to the respondent nos. 1 and 2, to consider their proposals dated 01.09.2008 and 13.05.2011, for providing grant-in-aid to 20 students admitted in standard 5th to 7th.

The petitioner no.1 Society started a school for the physically challenged students in the year 1995. The State Government, by an order dated 31.03.1997, brought the school run by the petitioner no.1 Society on 100% grant-in-aid to the extent of the strength of 40 residential students. In the year 2007,

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the petitioner no.1 started the middle school from 5th to 7th standard and permitted 20 residential students to take admission to the classes. The petitioners applied for 100% grant-in-aid for the additional 20 residential students taking education in standard 5th to 7th. It is submitted that though the proposal of the petitioners, dated 17/24.05.2010, was forwarded by the Social Welfare Officer to the Commissioner for Handicap, the respondents have not decided the proposals of the petitioners, as yet.

The respondent no.2 has filed an affidavit-in-reply. It is stated in the affidavit-in-reply that the grant-in-aid was provided to the school run by the petitioner no.1 in 1998 only, in respect of 40 residential students. It is stated that the petitioners do not have any right to increase the strength of the students and seek grant-in-aid for the additional residential students admitted in the school. It is stated that initially approval was granted to the appointment of petitioner no.2 on the post of Clerk, but, since the post of clerk was abolished by the government resolution dated 18.08.2004, the approval was withdrawn. It is stated that the proposals of the petitioners seeking grant-in-aid to the additional residential students is decided against the petitioners vide order dated 04.03.2015. It is stated in it, that the petitioners would not be entitled to grant-in-aid for the additional students admitted by the petitioners in the school run by the petitioner no.1.

On hearing the learned counsel for the parties, it appears that the relief sought by the

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petitioners cannot be granted. The school run by the petitioner no.1 was brought on 100% grant-in-aid only to the extent of 40 residential students. The petitioner no.1 has however, started running a middle school for the students in the year 2007, and has admitted 20 additional residential students in the said classes. There is no right in the petitioners to claim 100% grant-in-aid for the additional students taking education in the school run by the petitioner no.1. At least no right as such, is pointed out by the learned counsel for the petitioners on the basis of any material, in that regard. Similarly because some other school has been brought on grant-in-aid, the petitioners cannot seek a direction to the respondent nos. 1 and 2 to bring the additional students admitted in the school run by the petitioner no.1. The question of discrimination would arise only if there is a right. In absence of any right to be brought on 100% grant-in-aid, the petition is liable to be dismissed.

The Writ Petition is, dismissed as such, with no order as to costs.

JUDGE

JUDGE

Rgd.