

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

WRIT PETITION NO. 5913 OF 2012

(Jai Mahakali Shikshan Sanstha thr. its Director vs. State of Maharashtra thr. its Secretary,
Department of Education & Anr.)

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 &
A.S. CHANDURKAR, JJ.
FEBRUARY 03, 2015.**

Heard Shri Parchure, learned counsel for the petitioner and Shri Kankale, learned AGP for the respondents for some time.

Perused the orders of this Court dated 26.06.2013 and 07.03.2014.

After order dated 07.03.2014, calling upon the respondents to explain how grants have been released to Fine Arts Colleges, a counter affidavit has been filed by the State Government on 18.09.2014 stating that grants are not released to Fine Arts Colleges but to Fine Arts institutes. An inadvertent typographical error in the affidavit dated 11.07.2014 has also been explained. The perusal of said affidavit shows that the grants released are not according to Government Resolution dated 04.04.2012.

With reference to 31 institutes pointed out by the petitioner to whom grants are released, this affidavit explains that those are Fine Art institutes. It is also

mentioned that these institutes are not as per Government Resolution dated 04.04.2012. It is pointed out that Government Resolution dated 04.04.2012 is applicable only to the College education.

Prima facie, perusal of the list of 31 institutes shows that it includes at Sr. No. 1 – Mumbai Arts College, at Sr. No. 4 – L.S. Raheja Arts College, at Sr. No. 5 – Thane School of Art, at Sr. No. 6 – Karandikar Arts Academy, Model English School, at Sr. No. 8 – Sahyadri School of Arts, at Sr. No. 9 – Chitrakala Mahavidyalaya, at Sr. No. 11 – Lalit Kala Kendra, at Sr. No. 19 – Dalvis Arts Institutes, at Sr. No. 21 - J.N. Bhandari School of Arts.

In this situation, some disputed questions arise. Whether these 31 institutes are only Fine Arts institute as explained by the State Government or then they also include Arts Colleges or Fine Arts Colleges, appears to be a debatable issue. At least at this juncture, at the strength of material made available, we are not in a position to take any definite view of the matter.

The petitioners pray for extending grant-in-aid facility to its Arts faculty college.

Considering the nature of controversy, we direct the petitioners to file a representation complete in all respects with Respondent Nos. 1 & 2 within a period of two weeks from today. If such a representation is received by Respondent Nos. 1 & 2, Respondent No. 1 shall after hearing the petitioner and other concerned,

take suitable decision upon it in next eight weeks.

Leaving all rival contentions open and with liberty to the petitioner to approach this Court again, if the grievance is not redressed, we dispose of the present writ petition with these directions. However, there shall be no order as to costs.

JUDGE

JUDGE

**L.S.*