

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

WRIT PETITION NO.5631/2015

Dnyanranjan Krida Bahu Uddeshiya Sanstha, Parshioni, through its Secretary
...Versus...
The State of Maharashtra, through its Secretary, Department of Higher & Technical
Education, Mantralaya, Mumbai – 32 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 B.G.Kulkarni, Advocate for petitioner
Shri D.B. Patel, AGP for respondent nos.1 to 3

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 09.10.2015

Heard.

By this petition, the petitioner seeks a direction to the respondent nos.1 to 3 to extend the grant-in-aid facility to the science faculty of the college, run by the petitioner – society for the academic year 2015-16. The petitioner challenges the advertisement issued by the respondent no.2 on 28.8.2015, inviting applications for securing grant-in-aid for the science faculty in the colleges in Parshioni Taluka.

According to the petitioner, the petitioner – society is running the science college from the academic year 2013-14. It is stated that the petitioner's college was the only college with science faculty in Parshioni Taluka. The petitioner had therefore, in pursuance of an advertisement issued by the respondent no.2 in the year 2014 submitted a proposal for securing grant-in-aid. Though the petitioner made several representations to the respondents, no decision was taken on the proposal of the

petitioner. According to the petitioner, the respondent no.2 could not have published a fresh advertisement on 28.8.2015, inviting applications from the science colleges in Parshioni Taluka. It is stated that after the petitioner started the science college in the year 2013, two other colleges had opened science faculty in the year 2014 and now they could be entitled to compete. According to the petitioner, only petitioner's college would be eligible for securing the grant-in-aid, in view of the advertisement of the previous year.

Shri Patel, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 to 3 states that the issue involved in this case stands answered against the petitioner by the order dated 29.6.2011 in Writ Petition No.5105/2010. It is stated that it is held by this Court that till the grant-in-aid is actually provided to a college, the other colleges would also be entitled to apply for the grant-in-aid, though they were not in existence at the time when earlier advertisement was issued. It is stated that the facts involved in this case and the decided case are almost identical.

On hearing the learned Counsel for the parties, we find that the issue involved in this case stands answered against the petitioner by the order in Writ Petition No.5105/2010.

Hence, for the reasons recorded in the order dated 29.6.2011 in Writ Petition No.5105/2010, we dismiss the writ petition with no order as to costs.

JUDGE

JUDGE