

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2448 OF 2005

MAHATMA JYOTIBA FULE SHIKSHAN SANSTHA, KARMAD(BR)

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Ms. Surekha Mahajan, Advocate for the petitioner

Mrs. V. H. Patil, AGP for respondents 1 to 3

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 02nd December, 2016

ORDER:

1. We have heard Ms. Mahajan, the learned counsel for the petitioner and learned AGP. According to the learned counsel for the petitioner, the order granting permission on 'permanent non grant' basis is erroneous. According to the learned counsel, the permissions are to be granted on 'No grant' so that phase wise the said division can be brought on grant in aid basis. The permission granted for 5th standard on 'permanent non grant' basis is illegal.

2. The learned counsel submits that she has tried to contact the petitioner but the petitioner has not given any instructions in respect of the present state of affairs, inspite of communicating to the petitioner.

3. It is submitted that the Government, subsequently in the year 2008, has done away with the policy of 'permanent no grant' basis and has replaced with "no grant" basis. With the passage of time, it appears that the petitioner must have got the benefit of the said policy of the Government and therefore, is not interested in prosecuting the present petition.

4. Considering the subsequent policy of the Government of "no grant" instead of "permanent no grant" writ petition is disposed of. Rule discharged. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC