

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO.6851 OF 2016**

Shri Manik Prabhu Sanstha
Balkashram, Ambulga,
Tq. Kandhar, District Nanded,
Through its Superintendent

PETITIONER**VERSUS**

1. The State of Maharashtra,
Through Principal Secretary
Women and Child Development
Department, Mantralaya,
Mumbai – 32.
2. The Commissioner of
Women and Child Development
Mantralaya, Mumbai.
3. The Divisional Deputy Commissioner,
Women and Child Development
Aurangabad Division, Aurangabad.
4. The District Women and Child
Development Officer, Nanded,
Dist. Nanded.

RESPONDENTS**WITH****WRIT PETITION NO.6853 OF 2016**

Digambar Patil Balkashram
(Balgrah) Shri Nagar, Mukhed,
Tq. Mukhed, Dist. Nanded
Through its Superintendent

PETITIONER**VERSUS**

1. The State of Maharashtra,
Through Principal Secretary
Women and Child Development
Department, Mantralaya,
Mumbai – 32.
2. The Commissioner of
Women and Child Development
Mantralaya, Mumbai.
3. The Divisional Deputy Commissioner,
Women and Child Development
Aurangabad Division, Aurangabad.
4. The District Women and Child
Development Officer, Nanded,
Dist. Nanded. **RESPONDENTS**

**WITH
WRIT PETITION NO.6854 OF 2016**

Punyashlok Ahilyadevi Holkar
Shikshan Prasarak Mandal's
Shri Datta balakasham Hadgaon,
Tq. Hadgaon, District Nanded,
Through its Superintendent

PETITIONER

VERSUS

1. The State of Maharashtra,
Through Principal Secretary
Women and Child Development
Department, Mantralaya,
Mumbai – 32.
2. The Commissioner of
Women and Child Development
Mantralaya, Mumbai.
3. The Divisional Deputy Commissioner,
Women and Child Development
Aurangabad Division, Aurangabad.

4. The District Women and Child
Development Officer, Nanded,
Dist. Nanded.

RESPONDENTS

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Mr. M.S. Karad h/f Mr. S.S. Thombre,
Advocate for the petitioner in all Writ
Petitions.

Mr.V.H. Dighe & Mr. S.D. Kaldate, AGPs for
Respondent-State in respective Writ
Petitions.

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CORAM : S.S. SHINDE & SANGITRAO S. PATIL, JJ.

Dated: JUNE 30, 2016

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ORAL JUDGMENT (S.S. SHINDE, J)

Not on board. Taken on board.

2. The learned counsel appearing for
the petitioners in the respective Petitions
undertakes to deposit the deficit court fees,
if any, within three weeks from today.

3. Rule. Rule made returnable
forthwith. Heard finally with the consent of
the learned counsel appearing for the
parties.

4. Heard the learned counsel appearing for the petitioners. It is submitted that the concerned Respondent Authorities have made assessment of the expenditure incurred by them in respect of the years concerned and after assessment, the orders have been issued indicating the amount therein, for which the petitioners are entitled as per the Government policy. The petitioners have placed on record copies of the assessment orders signed by the respondent authorities concerned. It is submitted that though there is assessment from the year 2011 onwards, as a matter of fact, the amount for which the petitioners are entitled, has not been disbursed in favour of the petitioners. It is submitted that the concerned Department has disbursed the amount to various similarly situated institutions, relying upon the assessment orders. Therefore, the learned counsel appearing for the petitioners submits that the Respondents may be directed to disburse the amounts, due and payable as per the Assessment Orders, which are placed on record with the Writ Petitions, after verifying the original record maintained by the office of the concerned respondents.

5. On the other hand the learned A.G.P. appearing for the Respondent/State submits that the Departments of Planning and Finance have not approved the proposals forwarded by the concerned Department i.e. the Department of Woman and Child Development, for sanction and disbursement of the amount, and the said Departments have raised certain queries. He prays that the hearing of these Petitions may be deferred and six weeks time may be given to the Respondent/State, so as to carry out reassessment and also ask the concerned department to cure the deficiencies/ clear the doubts pointed out by the Planning and Finance Departments.

6. We have heard the learned counsel appearing for the petitioners and learned A.G.P. appearing for the Respondent- State. With their able assistance, we have perused the pleadings in the Petitions and annexures thereto.

7. It is not in dispute that the concerned Department by making budgetary provision after issuing Government Resolution has disbursed substantial amount in favour of some of the institutions similarly situated

like the petitioners. It, *prima facie*, appears that there is some difference of opinion between the concerned Department i.e. Department of Woman and Child Development on one hand and the Departments of Planning and Finance on the other about disbursement of the amounts claimed. It is an internal matter of the State Government and all the concerned in the process will have to resolve the same at their level. Therefore, we are of the opinion that the ends of justice would be met in case the Chief Secretary, Government of Maharashtra is directed to look into the subject matter of these Writ Petitions and direct the concerned departments to ensure the disbursement of amounts as per the entitlement of the petitioners, after verifying the original record maintained by the concerned Respondent Authorities, who have issued the assessment orders in favour of the petitioners and also similarly situated institutions throughout the State, and if necessary, also by verifying the record maintained by the petitioners-institutions, as expeditiously as possible, and preferably within 10 weeks from today, and those institutions who are found eligible as per government policy then prevailing, the

amounts should be disbursed to them within two weeks thereafter. However, the entire exercise should be done within 12 weeks from today. We make it clear that the Heads of the Departments of Woman and Child Development, Planning and Finance Department and the Chief Secretary, Government of Maharashtra would be jointly responsible for implementation of the directions issued hereinabove.

8. With the above observations/directions, all the Writ Petitions stand disposed of.

9. Rule is made absolute in the above terms.

10. The parties shall act upon authenticated copy of this order.

Sd/-
(SANGITRAO S. PATIL, J.)

Sd/-
(S.S. SHINDE, J.)