

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****WRIT PETITION NO.6469 OF 2016**

Shivshankar Shikshan Prasarak Mandal,
Loha, Tq.Loha, Dist. Nanded,
Through its Superintendent,
Shri.Bhagwan s/o. Babulal Jorule,
Age: 42 Years, Occu: Social Work,
R/o. Loha, Tq.Loha,
District Nanded.

PETITIONER**VERSUS**

1. The State of Maharashtra,
Through its Principal Secretary
to the Government of Maharashtra in
Women & Child Development Department,
Maharashtra State,
Mantralaya, Mumbai – 32.
2. The Principal Secretary to the
Government of Maharashtra in
Finance Department,
Maharashtra State,
Mantralaya, Mumbai-32.
3. The Commissioner,
Women and Child Development
Maharashtra State, Pune
4. The Divisional Deputy Commissioner,
Women and Child Development
Aurangabad Division, Aurangabad.
5. The District Women and Child
Development Officer, Nanded,
Tq. and Dist. Nanded.

6. The Additional Chief Secretary,
Planning Department,
Maharashtra State,
Mantralaya, Mumbai-32.

RESPONDENTS

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Mr.N.P.Patil Jamalpurkar, Advocate for the
petitioner.

Mr.P.N. Kuti, AGP for Respondent-State.

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

Dated: JUNE 28, 2016

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ORAL JUDGMENT (S.S. SHINDE, J)

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

2. Heard the learned counsel appearing
for the petitioner. It is submitted that the
concerned Respondent Authorities have made
assessment of the expenditure incurred by the
petitioner in respect of the years concerned
and after assessment, the order has been
issued indicating the amount therein, for
which the petitioner is entitled as per the
Government policy. The petitioner has placed
on record copy of the assessment order 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 petitioner is entitled, has not been disbursed in favour of the petitioner. 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 petitioner submits that the Respondents may be directed to disburse the amounts, due and payable as per the Assessment Order, which is placed on record with the Writ Petition, after verifying the original record maintained by the office of the concerned respondents.

3. 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 this Petition 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.

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

5. 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 petitioner. 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 this Writ Petition and direct the concerned departments to ensure the disbursement of amounts as per the entitlement of the petitioner, after verifying the original record maintained by the concerned Respondent Authorities, who have issued the assessment orders in favour of the petitioner and also similarly situated institutions throughout the State, and if necessary, also by verifying the record maintained by the petitioner -institution, 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.

6. With the above observations/directions, all the Writ Petition stands disposed of.

7. Rule is made absolute in the above terms.

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

(SANGITRAO S. PATIL, J.)

(S.S. SHINDE, J.)

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