

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

**WRIT PETITION NO.8255 OF 2015**

Jai Bhavani Bahuddeshiya Mandal,  
Nashirabad Sanchlit, Ziparu Anna Prathmik,  
Vidya Mandir, M.I.D.C. Jalgaon,  
Through its Secretary  
Motilal s/o. Laxman Yawale  
Age: 60 Yrs. Occ.Agri,  
R/o. Plot No.81, Samrat Colony,  
Juna Mehroon Road, Jalgaon,  
Tq. & Dist. Jalgaon.

**PETITIONER**

**VERSUS**

1] The State of Maharashtra,  
Through its Secretary,  
School Education Department,  
Mantralaya, Mumbai-32.  
[Copy to be served on Govt.  
Pleader High Court of Judicature  
of Bombay Bench at Aurangabad]

2] The Director of Education  
Maharashtra State, Pune

3] The Deputy Director of Education,  
Nashik.

4] The Education Officer [Primary],  
Zilla Parishad, Jalgaon.

**RESPONDENTS**

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Ms. Surekha Mahajan, Advocate for Petitioner  
Mr.S.B.Yawalkar,AGP for Respondent Nos.1 to 3  
Mr. M.S.Sonwane, Advocate for Respondent No.4

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

Reserved on : 12.04.2016  
Pronounced on : 20.04.2016

**ORDER:** [Per S.S.Shinde, J.]:

This Petition is filed seeking directions to the respondents to grant 20% grant in aid to the petitioner from the Year 2011-2012 onwards.

2] Heard the learned counsel appearing for the petitioner and the learned AGP appearing for the respondent – State. With their able assistance, perused the grounds taken in the Petition, annexures thereto, replies filed by respondent nos. 2 and 3, annexures thereto and the rejoinder-affidavit filed by the petitioner.

3] We have carefully perused the Third Party Evaluation Committee Report [Exhibit-R2] with the affidavit in reply filed by respondent nos. 1 to 3. So far the

petitioner's school i.e. Ziparu Anna Prathmik Vidya Mandir, MIDC, Jalgaon, is concerned, the same is mentioned at serial no. 1 in the said report. Upon careful perusal of the said report, it appears that the Head Master has given 86 marks, the District Committee has given 71 marks, the Scrutiny Committee has also given 71 marks and the Third Party Evaluation Committee has given 76 marks. Therefore, so far scoring / securing more than 70% marks has been achieved by the petitioner society for being entitled for receiving grant in aid from the Government. However, in the said report [Exhibit-R2], it is mentioned that 'अनुशेष १ पदाचा आहे रिक्त पद नाही सबब अपात्र '

By way of filing rejoinder-affidavit to affidavit in reply filed by respondent nos. 1 to 3, in para 3 the petitioner has tried to demonstrate that there is no backlog

existing in the petitioner's school, and therefore, the reasons assigned by the said Committee for refusing to grant proposal of the petitioner for grant in aid is not sustainable.

4] It appears that the respondents have not properly considered the contention of the petitioner and also verified the record maintained by the petitioner as stated by the petitioner in rejoinder-affidavit and particularly in para 3 of the rejoinder-affidavit in respect of filling the post from the reserved category / backlog.

5] Therefore, in the peculiar facts and circumstances of this case, we direct respondent nos. 1 to 4 and in particular, the Third Party Evaluation Committee to consider the case of the petitioner afresh, ignoring the reasons assigned by the said Committee while refusing the request of the petitioner

for release of grant in aid from the year 2011-12, as expeditiously as possible, however on or before 30<sup>th</sup> May, 2016. Needless to observe that, the petitioner be given an opportunity to put forth its contention and to show the record maintained by it and in particular about appointment of the employees from the reserved categories.

6] The petition is disposed of on the above terms. Parties shall act upon authenticated copy of this order.

Sd/-  
**[SANGITRAO S.PATIL]**  
**JUDGE**

Sd/-  
**[S.S.SHINDE]**  
**JUDGE**