

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

WRIT PETITION NO. 8288 OF 2014

Private Nursing School and College
Management Association, Aurangabad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. D. Hon, Senior Advocate i/by Ashwin V. Hon, Advocate for
the Petitioner.

Ms. S. S. Raut, A.G.P. for Respondent Nos.1 to 3.

Shri S. B. Deshpande, A.S.G. for the Respondent No. 4.

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

DATE : 16TH AUGUST, 2016.

PER COURT :

. Mr. Hon, the learned senior advocate for the petitioner submits that, the communication dated 02nd July, 2014 is against the record. According to the learned senior advocate, the Nursing course is included in the scheme of the Central Government for grant of scholarship/reimbursement of fees to the O.B.C., V.J. and Special Backward Class students. However, the State is not passing on the said benefit to the students. Earlier in the 1998 the nursing course was not in the scheme of the Central Government, but in the 2011 scheme the nursing course finds place in the Group - B of the scheme of the Central

Government. In 1998 scheme diploma in nursing was not included. Now in the 2011 scheme the same is included. As such it is obligatory on the part of the State Government to pass on said benefit to the students of A.N.M. and G. N. M. also. The respondent/State is not following its duty, it cannot make discrimination amongst the students of one faculty with students of another faculty. Each faculty has to be treated at par. Mr. Hon, the learned senior advocate submits that, even a question was posed in the House and the Hon'ble Minister had made a statement that no discrimination would be made and the scholarship would be provided without any discrimination.

2. Mr. Deshpande, the learned A. S. G. states that, the Central Government gives amount in lump-sum to the State towards the scholarship of the backward class students and it is for the State government to distribute the same.

3. The learned Assistant Government Pleader submits that, because of the paucity of funds in the budget, the amount cannot be distributed as per the new revised rates. So also the A.N.M. and G.NM. courses do not find places in the 1998 scheme. As such said reimbursement is not applicable to them also. Earlier by mistake amount was paid to the students of A.N.M. and G.N.M. courses, but steps are being taken to recover the same.

4. In the economic and fiscal matters, this Court would not sit in appeal over decision of experts. The interference of the Court in such matters is minimal. The scheme has been promulgated by the Central Government for grant of aid to the students of the backward classes. Earlier in 1998 scheme of the Central Government A.N.M. and G.N.M. courses did not find place. However, in the 2011 scheme floated by the Central Government, A.N.M. and G.N.M. courses find place in Group - B. In the impugned letter it has been stated by the Director that in the 1998 scheme A.N.M. and G.N.M. courses are not included, as such they are not entitled for the benefit of scholarship. The said letter does not take cognizance of the 2011 scheme of the Central Government. The another reason given is of the financial constraint and the budgetary provision. It is for the State to consider the said aspect of the matter. The State in its jurisdiction/power and as per the decision of the experts in the said field has to take decision with regard to the distribution of the state largesse.

5. The petitioner may approach the State Government with regard to the benefit of the Central Government scheme for grant of scholarship to the students of A.N.M. and G.N.M. courses. If the petitioner approaches the State Government, the State Government shall take necessary decision upon the same expeditiously and preferably within a period of six months from

the date of receipt of application from the petitioner. As far as any amount paid earlier by the State may be by mistake to the petitioners students towards fees reimbursement, the said benefit having been already passed on to the said students who by now must have passed said course, as such no recovery be made in respect of the same. The writ petition accordingly is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/August 16