

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1849/2015

(KHEMAJI NARAYANRAO KUMBHARE & ANOTHER **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Nirbhay Chavan, counsel for the petitioners.
Ms T. Khan, A.G.P. for the R-1 & 4.

CORAM : SMT.VASANTI A. NAIK AND
A.S. CHANDURKAR, JJ.

DATE : FEBRUARY 01, 2016.

By this petition, the petitioners seek a declaration that the action of the respondents of disqualifying the petitioners from seeking the monthly honorarium as Artists, is arbitrary and illegal.

According to the petitioners, in pursuance of a Government Circular of the year 2006, the petitioners who are the Artists/Literary Scholars were receiving honorarium of Rs.500/- per month from the year 2007. Soon thereafter, the respondents stopped releasing the honorarium in favour of the petitioners. The petitioners made enquiries and also made representations to the concerned authorities seeking the release of the honorarium. The petitioners were, however, informed that in view of the enquiry conducted in pursuance of the orders passed in a writ petition and a public interest litigation, the names of the petitioners were removed from the list of the persons that were held to be entitled to receive the honorarium. Since the respondents had not granted any opportunity of hearing to the petitioners before disqualifying the petitioners from receiving the honorarium, the petitioners have approached this Court seeking the aforesaid relief.

The respondent no.1 has filed an affidavit-in-reply. It is stated in the said affidavit-in-reply that a writ petition was filed in the year 2001 challenging the payment of honorarium to several ineligible Artists/Literary Scholars. In pursuance of the order passed by the High Court, an Artists Honorarium Enquiry Commission was set up under the Chairmanship of a former Hon'ble Judge of the Bombay High Court, which submitted the report. It was found that there were large scale illegalities in inclusion of the names of several persons for receiving the honorarium in Narkhed and Katol Talukas. It was found that the grant of honorarium to the petitioners was not sanctioned by the high level committee and there was no scrutiny/enquiry in respect of their entitlement. As per the recommendations of the Commission, so constituted, the lists were revised. It is stated that in stead of scrapping the entire scheme, radical changes were made in the Government Resolution and the Government Resolution dated 07.02.2014 was issued. It is stated that in the circumstances of the case, the relief sought by the petitioners cannot be granted.

We find much force in the submission made on behalf of the State Government that the relief sought by the petitioners cannot be granted. In the circumstances narrated in the affidavit-in-reply filed on behalf of the respondent no.1, a direction cannot be issued to the respondent no.1 to start releasing the honorarium in favour of the petitioners. It is fairly stated on behalf of the respondent no.1 that if the petitioners are still of the view that the petitioners are eligible for honorarium, the petitioners can apply in view of the Government Resolution of the year 2014. In the circumstances of the case, the writ petition is liable to be dismissed.

The same is dismissed as such with no order as to costs.

JUDGE

JUDGE

APTE