

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.1776/2016

(Dipak s/o Kashinath Borole and 18 others vs. The State of Maharashtra and others)

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

Court's or Judge's order

Shri B.G.Kulkarni, Advocate for the petitioners
Shri I.J.Damle, Assistant Government Pleader for
Respondent No. 1
Shjri Arun Agrawal, Advocate for Respondent nos.2 and 3
Shri Atul Pande, Advocate for Respondents 4,5 and 6

**CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.**

DATED : 20th December, 2016.

Heard.

By this Writ Petition, the petitioners seeks a direction against the respondents to release the arrears of stipend payable to the petitioners, for the year 2008-10 as early as possible.

The petitioners were the students of M.Pharm. Degree course in the respondent-University, for the period from 2008 to 2010. The petitioners were provided fellowship for the post-graduate course in Pharmacy and, in view of the policy that was applicable for the year 2008, the petitioners were entitled to post-graduate scholarship of Rs.8,000/- per month. According to the petitioners, instead of Rs. 8,000/-, the respondent-University released an amount of Rs. 5,000/- per month to the petitioners during their education in the M.Pharm Degree course. According to the petitioners, when the petitioners made the representations to the University seeking the arrears of stipend they were informed that the arrears of stipend would be

released in favour of the petitioners after the amount is received from the University Grants Commission. The petitioners waited for long in view of the assurance of the respondent-University but since the petitioners did not receive the amount, the petitioners have filed the instant petition with the aforesaid prayer.

Shri Agrawal, the learned counsel for the University Grants Commission states, by referring to the affidavit-in-reply filed on behalf of the Commission that an amount of Rs. 8,000/- per month, was released for payment to the petitioners, to the University and the University has received the same. It is, however, not disputed that the petitioners are entitled to receive the monthly stipend of Rs.8,000/-. It is the case of the Commission that the Commission would not be liable to pay the amount as it has already released the amount in favour of the University.

Shri Pande, the learned counsel for the University disputes the statements made on behalf of the Commission. It is stated that the University had received an amount of Rs. 5,000/- per month to be paid to each of the petitioners towards the stipend. It is denied that the respondent-University has received an amount @ Rs. 8,000/- per month. It is stated that the University is consistently requesting the Commission to release the arrears of the stipend payable to the petitioners. The learned counsel relies on some recent communications and the reply of the respondent-Commission, to the same.

Since the claim of the petitioner for an amount of Rs. 8,000/- per month towards stipend, is admitted by the University as well as the University Grants Commission, the

petitioners cannot be deprived of the amount to which they are entitled to. The petitioners cannot be made to suffer in view of the dispute between the University Grants Commission and the University, as referred to herein-above. It would be necessary for the University Grants Commission and the University to reconcile the matter and to release the arrears of stipend that are payable to the petitioners, within a short time. The petitioners have been deprived of the arrears of stipend for long. Normally, we would not have entertained the petition for releasing the stipend for the years 2008-10, in the year 2016 but since the claim of the petitioners is admitted and the respondent-University had been acknowledging its liability, we have entertained the Writ Petition. In the circumstances of the case, a direction to the respondent-University Grants Commission and the University to pay the arrears of stipend to the petitioners would be necessary.

Hence, for the reasons aforesaid, the Writ Petition is allowed. The University Grants Commission and the University are directed to release the arrears of stipend to the petitioners within six weeks.

Order accordingly. No costs.

JUDGE

JUDGE

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