

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3850 OF 2015

Maharashtra Prashikshan Bal Sadan, Latur, thr.its Divisional President

-vs-

State of Maharashtra, thr.its Secretary, Women and Child Development Deptt. and others

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. N.B.Bargat, counsel for the petitioner.

Mr.Prakash Tembhare, A.G.P.for the respondent Nos.1 to 3.

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

DATE : 16.02.2016.

By this petition, the petitioner challenges the circular of the respondent No.2, dated 17/06/2015 as being illegal and unconstitutional. The petitioner also seeks a direction to the respondent No.1 to release the necessary grants to the petitioner-Society as directed in Writ Petition Nos.2861 and 2863 of 2012 vide judgment, dated 02/05/2014.

The petitioner claims to be an organization of office bearers of the institutions that run Bal Sadans, Balak Ashrams, Anathalayas, etc. throughout the State of Maharashtra. According to the petitioner, in view of the provisions of Juvenile Justice (Care and Protection of Children) Act, 2000 and the resolutions of the State Government that are considered in the judgment, dated 02/05/2014 in Writ Petition No.2861 of 2012 and another, it is the duty of the State Government to provide grant-in-aid to the institutions that run and administer Bal Sadans, Balak Ashrams, Anathalayas, etc. According to the petitioner, by the judgment, dated 02/05/2014 in Writ Petition No.2861 of 2012 and another, the Aurangabad Bench of this Court has directed the State Government to convene a joint meeting and take a decision on the proposal of the institutions seeking grant-in-aid for the

administration of the Bal Sadans, Balak Ashrams and Anathalayas. It is stated that it would be necessary for the State Government to take a decision in the light of the directions in the judgment, dated 02/05/2014. According to the petitioner, the circular, dated 17/06/2015 is bad-in-law.

Shri Tembhare, the learned Assistant Government Pleader has relied on the affidavit-in-reply filed on behalf of the respondent Nos.1 to 3. It is stated that the challenge to the Government Circular, dated 17/06/2015 has been rendered infructuous as it has been superseded by the Government Resolution, dated 13/07/2015 and the writ petition has become infructuous insofar as the cause for challenging the circular is concerned. It is submitted that in terms of the directions of the Aurangabad Bench in the judgment, dated 02/05/2014 in Writ Petition No.2861 of 2012 and another, a meeting was convened on 26/05/2014 and it was found that it was not possible to accept the proposal of the institutions, as it would create financial burden on the Government Exchequer to a great extent. It is stated that the proposal of the institutions/organizations was rejected as decided in the meeting, dated 26/05/2014. It is stated that the said fact was pointed out, by referring to the affidavit of the Additional Chief Secretary of Finance Department, Mantralaya, Mumbai, to the Aurangabad Bench in Contempt Petition No.433 of 2015. It is stated that in the circumstances of the case, the prayers made on behalf of the petitioner would be rendered infructuous, as the petitioner has neither challenged the decision of the State Government nor the Government Resolution, dated 13/07/2015 that supersedes the impugned communication, dated 17/06/2015.

On hearing the learned Assistant Government Pleader, it appears that the cause for filing the writ petition has been rendered infructuous, as the impugned communication, dated 17/06/2015 stands superseded by the Government Resolution dated 13/07/2015. There is no challenge in the instant petition to the Government

Resolution, dated 13/07/2015. Also, the petitioner had relied on the judgment of the Aurangabad Bench, dated 02/05/2014 in Writ Petition No.2861 of 2012 by which the State Government was directed to decide the proposal of the Association. It appears from the affidavit-in-reply that the participating members have decided in the meeting, dated 26/05/2014 that the proposal of the association/institution cannot be accepted. There is no challenge to the decision of the State Government in the instant petition. Also, we find that every institution has been recognized on certain terms and conditions and the Association in this case has not claimed to be an association of the institutions or organizations, but has claimed to be an association of the office bearers of the institutions that run the Bal Sadans, Balak Ashrams, Anathalayas, etc.

In the circumstances stated herein above, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

KHUNTE