

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

WRIT PETITION NO.6113 OF 2015

Dnyaneshwar s/o Purushottam Burde and ors

..vs..

**State of Maharashtra, through Secretary, Social Justice Department, Mantralaya, Mumbai
and ors**

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

Court's or Judge's Order

Shri S.A. Chaudhari, counsel for the petitioners.
Shri N.H. Joshi, AGP for R-1 to 3.

**CORAM : B.P. DHARMADHIKARI &
KUM. I.K. JAIN, JJ.**

DATED : JUNE 17, 2016.

Heard finally with the consent of learned
counsel for the parties.

Learned counsel Shri S.A. Chaudhari for the
petitioners states that the petitioners-students are taking
education in self financed schools in Standard 11th and 12th.
Their counterparts, taking same education in schools either
receiving no grants or then recognized on permanently no
grant basis, are getting scholarship while the same is denied
to the petitioners. He contends that merely because the
petitioners are taking education in schools, which came up
under the Maharashtra Self Financed Schools (Established
and Regulation) Act, 2012, they cannot be treated
differently. He submits that object of providing scholarship
cannot be allowed to be defeated merely because the

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petitioners are taking education in self financed schools.

Learned Assistant Government Pleader Shri N.H. Joshi for respondent Nos.1 to 3 is relying upon the reply-affidavit. He points out that the State Government has not taken any policy decision to extend scholarship to the Backward Classes students taking education in said self financed school.

After hearing learned counsel for the parties, we find that there is a policy decision and as per that policy, the State Government is extending scholarship to the Backward Classes students who are taking education in schools established either on no grant basis or on permanent no grant basis. The education, taken by those students and present petitioners, is the same. The petitioners are also preparing themselves for Standard 12th Board Examination. Two of them have cleared Standard 12th Board Examination.

In this situation, if object of providing scholarship to the Backward Classes students is to facilitate their education or to encourage their families to send them to schools, the nature of institute in which they are educated may not be very relevant. However, as there is no State Government's decision in the field, we refrain from making any observation finally in this respect as all factors having bearing on the issue may not be still known. If the

State Government considers the case of students, who are taking education in self financed schools and thereafter, for some reasons finds it not proper to extend to them similar benefits, the situation and perspective to be adopted by the Court of law would be different.

The petitioners are, therefore, given liberty to make representation to respondent Nos.1 and 2 seeking extension of similar treatment. If such representation is made, within a period of four weeks from today, the competent authority shall take decision upon it within next three months.

With these directions, we dispose of the writ petition. No costs.

JUDGE

JUDGE

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