

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

CIVIL APPLICATION (CAW) NO.2098 OF 2015

IN

WRIT PETITION NO.518 OF 2014

SHRI VITTHAL BAHUDESHEIYA SANSTHA CHINCHOLI BORE, THROUGH ITS PRESIDENT, NANDKISHOR K.
BORE, NAGPUR

-vs-

STATE OF MAHARASHTRA, THROUGH ITS SECRETARY FOR HIGHER AND TECHNICAL EDUCATION DEPT.
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.A.M. Gordey, counsel for the petitioner.

Mr.A.S. Kilor, counsel for the R-4 & 5.

Mrs.Bharti Dangre, G.P. for the R-1 to 3.

CORAM : SMT. VASANTI A. NAIK &
V. M. DESHPANDE, JJ.

DATE : MARCH 30, 2016.

By this civil application, the applicant/petitioner seeks a stay to the effect and operation of the advertisement published by the Director inviting applications from the colleges interested in securing grant-in-aid and situated in Mehkar Tualuka. The applicant/petitioner also seeks a direction to the State Government not to proceed with the process of releasing the grants to any college in Mehkar Taluka under a scheme for releasing the grants to one faculty in every Taluka.

It appears that by filing this writ petition, the petitioner has challenged the impugned communication dated 15.1.2014 informing the petitioner that the petitioner college is not eligible for receiving the grant-in-aid in terms of the policy decision of the State Government as reflected from the Resolution dated 4.2.2008. The petitioner has

sought a declaration that the college run by the petitioner is not a professional college and the application of the petitioner for receiving the grant-in-aid should be reconsidered.

It appears that after hearing the parties at length, by an order dated 14.8.2015, this Court admitted the writ petition and the *interim* relief was refused. Thereafter, on the present application, the notice was issued to the respondents and the respondents were permitted to proceed further with the advertisement, but no final decision could be taken. It is stated that since Three Task Force Committees had recommended the case of the petitioner, it would be necessary for the respondent-State of Maharashtra to grant the grant-in-aid in favour of the petitioner and the advertisement is liable to be set aside. It is stated that the order impugned in the writ petition has been passed against the petitioner only due to the frivolous objections raised by the intervenor.

On hearing the learned counsel for the parties, it appears that the relief sought in the civil application cannot be granted while hearing the writ petition at the stage of order matters. The State of Maharashtra has issued the advertisements from time to time, inviting applications from the interested colleges. The advertisement questioned in the civil application is said to be fourth advertisement. The petitioner has applied for grant-in-aid in pursuance of the advertisement that is challenged by this civil application. If the Task Force Committee has recommended the case of the petitioner, the State of Maharashtra is bound to consider the claim of the petitioner for grant-in-aid along with the other

applicants. It would, however, not be proper to stay the advertisement, till the writ petition is decided. In any case, since the petitioner has applied in pursuance of the advertisement, the petitioner would be free to challenge the decision, if adverse.

In view of the aforesaid, we reject the prayer made in the civil application. The State Government is free to take an appropriate decision in the matter of providing grant-in-aid to one of the colleges in Mehkar Taluka in accordance with law. The civil application stands disposed of accordingly.

JUDGE

JUDGE

!! BRW !!