

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Writ Petition No. 2270 of 2004

* Comprehensive Rural Development
Project Karanji, Taluka Pathardi,
District Nagar,
Through H.M. Shri. Bhalchandra
s/o Bhaskar Kasote,
Age 52 years,
Occupation: Head Master,
Gramin Vikas Prakalpa Andhshala,
Karanji, Taluka Pathardi,
District Ahmednagar. **.. Petitioner.**

Versus

- 1) The State of Maharashtra,
Through Secretary,
Social Welfare Department
Mantralaya, Mumbai,
- 2) The Commissioner,
Directorate of Handicap Welfare,
State of Maharashtra, Pune.
- 3) District Social Welfare Officer,
Zilla Parishad, Ahmednagar. **.. Respondents.**

Shri. V.D. Salunke, Advocate, for petitioner.

Smt. P.V. Diggikar, Assistant Government Pleader, for
respondent Nos.1 and 2.

**Coram: T.V. NALAWADE &
SANGITRAO S PATIL, JJ.**

Date: 22 June 2017.

ORAL JUDGMENT (T.V. NALAWADE, J.):

1) The petition is filed for giving direction to the respondent-Government to make payment of grant-in-aid to the employees in respect of salary of the employees and other things for the period 23-11-2000 to 2-4-2002 which include arrears of salary, increments, non salary grants etc. both the sides are heard.

2) The petitioner started residential school for boys and girls in village Karanji, Tahsil Pathardi in the year 1985 and application was moved for registration and recognition. It is contended that the recognition was granted in the year 1990 and grant also was given with effect from 6-6-1991. It is contended that in the year 2000 sanction and recognition were renewed for the academic year 2000-2001 after inspection. It is contended that after that without giving hearing to the petitioner order dated 23-11-2000 came to be passed and both registration and recognition of the petitioner school came to be cancelled with effect from October 2000. It is contended that due to such order, the payments of salary grant and other grant

came to be stopped. It is contended that this order was challenged by filing proceeding before the Secretary of the Department of the State Government but the appeal was rejected by the Minister. It is contended that writ petition was filed in this Court bearing No.802/2002 and by allowing the writ petition this Court directed present respondent No.2, the Commissioner to renew the registration in favour of the petitioner and the aforesaid orders made by the respondents were set aside. It is contended that after the decision of the writ petition, the petitioner approached the Director of Social Welfare for renewal of the recognition and also for grant-in-aid for the period during which there was no registration and recognition. It is contended that in spite of making several representations these grants are not released and so the petitioner was required to file the present proceeding.

3) The learned Assistant Government Pleader drew attention of this Court to the Special School Code prepared for schools for handicapped children and also Government Resolution dated 27-1-2004. In this record as per the policy adopted by the Government it is made clear

that if for institutions like the petitioner there was no recognition or registration for particular period and after that they got the recognition and registration, then the institution will be entitled to get grant-in-aid only in respect of the period for which there was registration and recognition. For the remaining period, if there was no recognition and registration, the grants are not to be given. This record shows that protection is given to the service of the employees though the grant-in-aid is not to be given in respect of this period. This Court has seen the order made in the writ petition by this Court and it also does not show that the direction was given by this Court to see that in respect of the period for which there was no recognition and registration grant-in-aid is given. In view of these circumstances this Court holds that no relief can be granted in the matter. The petition stands dismissed. Rule stands discharged.

Sd/-
(SANGITRAO S PATIL, J.)

Sd/-
(T.V. NALAWADE, J.)

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