

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.3426 OF 2004

Shri Angarsiddha Shikshan Prasarak Mandal ... Petitioner

vs.

State of Maharashtra & Ors. ... Respondents

Mr. V.S. Deokar for the Petitioner.

Mrs. K.R. Kulkarni, AGP for the Respondent/State.

Coram : **A.A. Sayed &
M.S. Karnik, JJ.**

Date : 30 June 2017

P.C. :

1 By this Petition the Petitioner Management has impugned letter of the Additional Secretary, Maharashtra Government, Higher and Technical Department, Mumbai – 32, dated 9 March 2004 whereby sanction was granted to open college on the condition that it would be on no grant basis. The Petitioner Management is aggrieved by the condition imposed in the said letter. In para 2 of the said letter it is stated as follows:

“Policy of the Government is to sanction new College on the basis of No grant basis, where there is no College in the Taluka and other places sanctions will be given on permanently no grant basis. Your College comes under Mohol Taluka where there is already one College from 1996 and it is on 100% grantable. Therefore, your college has been sanctioned on permanently no grant

basis. Hence, your request for grant-in-aid cannot be sanctioned.”

2 It is an admitted position that so far as the science faculty of the College is concerned the Petitioner Management is now being granted aid. The grievance which now remains is as regards the grant-in-aid to the Arts faculty of the College.

3 The impugned order is of the year 2004. There has been a change in policy of the Government so far as grant-in-aid is concerned. In the circumstances, the impugned letter is set aside. It will be open for the Petitioner Management to make an Application for grant-in-aid to the Arts faculty of the College which shall be decided by the Government in accordance with law. If the Petitioner Management makes such Application, the Government shall take a decision thereon expeditiously. While taking its decision, the Government shall consider the fact that the said College is running since the year 2000.

5 The Petition is disposed of in above terms. Rule to stand discharged.

(M.S. Karnik, J.)

(A.A. Sayed, J.)