

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3581 OF 2016

Nashik Gramin Shikshan Prasarak Mandal
Through President Rajram Panghavane Patil
and Others

...Petitioners

vs.

The State of Maharashtra and Others

...Respondents

Mr. Anil Anturkar, Senior Advocate a/w. Mr. S.B. Deshmukh, for
the Petitioners

Mr. P.G. Sawant, AGP for the Respondents-State.

**CORAM : SHANTANU S. KEMKAR &
B.P. COLABAWALLA, JJ.**

DATE : APRIL 25, 2017

P.C.:

. The grievance of the Petitioners is that despite the order dated 13th January, 2016 (Exhibit "E") has been passed by the State Government whereby sanctioning the amount of Rs. 70,000/- per student who is taking education in the Petitioners' Institution, the Respondent No. 3- The Commissioner, Tribal Development, Nashik issued a letter dated 12th February, 2016 (Exhibit "F") whereby restricted the amount of Rs. 70,000/- sanctioned by the State Government to the students admitted from the year 2015-2016.

2. It is the case of the Petitioners that in the order passed

by Respondent No. 2 – Secretary, The Tribal Development Department, Mantralaya, Mumbai no restriction was put to the effect that the amount of Rs. 70,000/- per student will be payable for the students admitted from the academic year 2015-2016. It is also the case of the Petitioners that in fact out of various Institutions which are being run by the Petitioners viz. Taloda, Dahanu, Jawhar, the benefits to the students who have been admitted prior to 2015-2016 have been extended but only students admitted at the Institutions at Nashik and Kalwan prior to 2015-2016 have not been sanctioned the amount.

3. On 23rd March, 2016 this Court passed the following order :

“1. Heard learned counsel for the respective parties.

2. This Petition is filed for the following reliefs :-

[A] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction and order under Article 226 of the Constitution of India, 1950, thereby be pleased to direct the Respondent Nos.1 to 3 to forthwith release the amount of Rs.70,000/- to 813 students from the Tribal Community more particularly mentioned in EXHIBIT-C and who are taking education with the Petitioner No.2-School.

[B] That considering the amount admitted by the letter dated 13th January 2016 by the Respondent No.2 that this Honourable Court be pleased to dispose off this Writ Petition at the admission stage itself.

3. The sole grievance of the Petitioners is that, despite the fact that the Government, by its letter dated 13th January 2016, has sanctioned an amount of Rs.70,000/- per student, taking education in the Petitioners' Institution, the said amount is not released. Petitioners apprehend that if the amount is not released before 31st March 2016, the same will be lapsed.

4. Mr. Sawant, learned A.G.P., on instructions of Mrs. Anushka Dalvi, Desk Officer, Tribal Development Department, Government of Maharashtra, who is present in Court, makes a statement that Government will abide by its decision taken on 13th January 2016 regarding 'grant' of the students studying in the Petitioners' Institution. He further states that the budgetary provisions are already made in the Supplementary Budget of 2015-2016.

5. Mr. Sawant, learned A.G.P., does not dispute that the 'grant' is not released to the Petitioners. As per the contentions of the Petitioners, the 'grant' will lapse on 31st March 2016.

6. In the above circumstances, we direct the Government to release the 'grant' to the Petitioners, as per their letter dated 13th January 2016, copy of which is annexed at Exhibit-E (Page No.70) to the Petition, after verifying the strength of the students.

7. Mr. Anturkar, learned Senior Counsel for the Petitioners, makes a statement that total 813 tribal students are taking education in the Petitioners' school for the Academic Year 2015-2016. We make it clear that the Government is at liberty to verify the same and pass an appropriate order of release of the 'grant', in any case, on or before 31st March 2016.

8. If the 'grant' referred here-in-above is not released on or before 31st March 2016, the Government shall ensure that the said 'grant' will not lapse and it would be carried forward for the next financial year in the budgetary provisions.

9. Place this Petition for recording compliance on 12th April 2016.”

4. Thus it is clear that a statement was made by the learned AGP that Government will abide by its decision taken on 13th January, 2016 regarding the amount of students studying in the Petitioners' Institution.

5. In reply the Respondents-State has taken the stand which is in terms of the letter dated 12th February, 2016 issued by the Respondent No. 3, we find that the letter dated 12th February, 2016 is contrary to the decision taken by the State Government on 13th January, 2016 (Exhibit “E”) in which there is no restriction to extend the benefit only for the students admitted from 2015-2016. Thus the stand taken in the reply cannot be accepted.

6. In the circumstances, in our considered view the letter of the State Government which unequivocally sanctions Rs. 70,000/- per student admitted in the Institution without there being any rider to the effect for the students admitted prior to the academic year 2015-2016 the amount will not be payable, in our view, the letter dated 12th February, 2016 issued by Respondent No. 3 being contrary to the decision taken by the State Government on

13th January, 2016 the Petition deserves to be allowed.

7. As a result, we allow the Writ Petition and direct the Respondents to release the amount of Rs. 70,000/- per student for the students to whom the amount has not been paid by the Respondents subject to verification that the Petitioners' Institution fulfill the other requirements of the relevant Government Resolution to that effect.

8. The amount as aforesaid may be found payable be paid to the Petitioners as expeditiously as possible but not later than three months from the date of receipt of copy of this order.

9. With the aforesaid direction, the Petition stands disposed of.

(B.P. COLABAWALLA, J.) (SHANTANU S. KEMKAR, J.)