

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO. 2202 OF 2016

SARDAR PATEL SHIKSHAN PRASARAK MANDAL NILANGA THROUGHITS
PRESIDENT ISRAR BABLU S
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioners : Mr. Santosh B. Gastgar
AGP for Respondents: Mr. P.N. Kutti

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CORAM : R.M. BORDE &
K.K. SONAWANE, JJ.

DATE : 20th February, 2018.

PER COURT:-

The petitioner institution is praying for issuance of directions to the respondents to disburse grant-in-aid in favour of the petitioner institution out of the Consumer Welfare Fund created under the Maharashtra Consumer Protection and Guidelines Fund Rules, 1992. The petitioner institution tendered a proposal for disbursement of grant-in-aid under the aforesaid Scheme to the Fund Management Committee through the Collector. The proposal of the petitioner was favourably recommended by the Collector, however, same has been turned down by the Fund Management Committee. The reasons recorded for rejection are :-

[a] that, the institution shall be voluntarily engaged in Consumer Protection and Guidance scheme under the guidance programme, however, it appears that the petitioner institution does not fulfill the said requirement;

[b] The objects of the petitioner institution, as recorded in the constitution does not appear to be for safeguarding the interest of the consumers;

[c] The institution has not performed any notable work/functions for implementing the Consumer Protection and Guidance Programme;

[d] The Institution also does not appear to be operating in a particular field;

[e] The institution also does not appear to be financially in a sound position to raise equivalent fund, as prescribed under the proposed scheme;

[f] The scheme stipulates fulfillment of certain requirements.

2] We have perused the scheme framed by the Department of Food, Civil Supplies and Consumer Protection Department. Under the scheme the Fund has been created with an object to promote consumer awareness and protection. The institutions which are eligible for disbursement of grant-in-aid have been specified in clause No.5 of the Scheme. There are various objects which are specified under the Scheme in Clause No.6. An Institution is expected to perform with a view to become eligible for disbursement of grant-in-aid. It does appear that the petitioner institution does not fulfill the requirements laid down in Para. No.6 of the Scheme. The Fund Management Committee, on consideration of the relevant factors, did not find the petitioner institution eligible to receive the grant-in-aid. The subjective satisfaction of the Fund Disbursement Committee, based upon the consideration of the proposal, need not be analyzed in exercise of extraordinary jurisdiction under Article 226 of the

Constitution of India.

3] The petitioner contends that this Court had, on earlier occasion, while dealing with W.P. No. 752 of 2015, directed the respondents to reconsider the proposal of the petitioner and pass a reasoned order after extending an opportunity of hearing to the petitioner. Though the petitioner contends that opportunity of hearing had not been extended to the petitioner, the order placed before us, reflects a specific statement that the petitioner institution was represented by an advocate and the oral submissions were also heard.

4] The petitioner does not have any legal entitlement to claim grant-in-aid as a matter of right. Since the petitioner does not have any right to claim grant-in-aid under the Scheme, refusal by the respondents to extend financial benefits under the administrative decision cannot be a matter, requiring issuance of the writ of Mandamus. When a litigant claims issuance of a Writ of Mandamus, he has to establish his legal right and entitlement to claim the relief. In the instant matter, the petitioner does not have the right to claim grant-in-aid under the scheme.

5] In view of the above, no interference is called for in the impugned order. Writ petition being devoid of any substance, stands rejected.

[K.K.SONAWANE, J]

[R.M. BORDE, J]

grt/-