

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4565 OF 2017

Dnyansadhana Shikshan Prasarak Mandal,
Jalgaon,
Through its President and another

.. **Petitioners**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri S. R. Barlinge, Advocate for the Petitioners.
Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent Nos. 1 to 5.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVAL, JJ.

DATE : **26th February, 2018**

PER COURT :

1. It appears that the petitioner was given permission to run 5th to 7th standards on no grant basis from 2002 – 2003. The case of the petitioner is that petitioner's institution to the extent of 5th to 7th standard is not considered for grant in aid from 2002-2003 and they are considering the case of the petitioner on no grant basis from the year - 2014, which is illegal and not in consonance with the order passed by this court in Writ Petition No. 8798 of

2010 dated 28th August, 2012.

2. According to the respondent – State, this court directed to consider the case of the petitioner as per the present policy. The petitioner is considered for non grant in aid from the year – 2014, though the permission is from the year 2002 - 2003.

3. This court under order dated 28th August, 2012 in Writ Petition No. 8798 of 2010, filed by the petitioner had observed as under -

“... ”

5. *The contention raised by the petitioner in the petition has not been controverted by the approval, on 'no grant basis', in accordance with the present policy of the State Government. The respondent authorities, shall take decision and communicate the petitioner, as expeditiously as possible, and preferably within three months from the date of the order. Consideration of the proposal tendered by the petitioner shall be restricted only for holding the petitioner eligible to conduct Classes V to VII on 'no grant basis' since 2002-2003.”*

4. The respondents were required to consider the proposal tendered by the petitioner to the extent of holding the petitioner eligible to conduct classes 5th to 7th on no grant basis since 2002 - 2003. It also appears that the Government Resolution dated 17.2.2004 was holding the field at the relevant time. The respondents are required to consider the Government Resolution dated 17.2.2004 with regard to the grant in aid to the petitioner for 5th to 7th standard classes.

5. The respondents shall consider the case of the petitioner for approval on no grant basis from the year 2002-2003 as per the Government Resolution dated 17.2.2004, expeditiously and preferably within a period of three (3) months.

6. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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