

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4615 OF 2016

Adarsh Jeevan Shikshan Prasarak Mandal
Through Its Secretary and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Shri. Anand V. Indrale Patil, Advocate for Petitioners.

Shri. S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.

Shri. P. R. Tandale, Advocate for Respondent No. 3.

CORAM : S.V. GANGAPURWALA AND
S. M. GAVHANE, JJ.

DATED : 10th September, 2018

PER COURT:

. Mr. Patil, the learned counsel for the petitioners submits that standard 5th to 7th of the petitioner institution were brought on 20% grant in aid as per Government Resolution dated 01.03.2014. Though the petitioner institution was brought on grant in aid, the grant in aid was

not released. Subsequently the Government Resolution dated 19.09.2016 is issued whereby 20% grant in aid is directed to be disbursed to those institutions who were earlier brought on 20% grant in aid.

2. The learned counsel submits that the terms and conditions of Government Resolution dated 19.09.2016 are altogether different than those in the Government Resolution 01.03.2014 by virtue of which, the petitioner institution was brought on grant in aid. The learned counsel submits that right of the petitioner institution to get the grant in aid is crystalized on 01.03.2014. The respondents be directed to consider the Government Resolution dated 01.03.2014 as a relevant date for grant of grant in aid to the petitioner institution.

3. Mr. Tandale, the learned advocate and the learned Assistant Government Pleader for respondents submits that the petitioner would be governed by Government Resolution dated 19.09.2016 and subject to compliance of terms and conditions as enumerated in the said Government Resolution, the grants would be disbursed to the extent of 20%.

4. We have considered the submissions canvassed by the learned

counsel for the respective parties.

5. It appears that 5th to 7th standards of the petitioner institution are brought on 20% grant in aid pursuant to Government Resolution dated 01.03.2014. According to the Government Resolution dated 19.09.2016 all the institutions which were brought on 20% to 100% grant in aid prior to the issuance of the said Government Resolution, all these institutions will be released 20% grant in aid until further orders subject to compliance of the terms and conditions. The terms and conditions enumerated will have to be complied by the institutions.

6. It is trite that grant in aid is not a right, but it depends upon various facets, including the budgetary provisions.

7. The Government Resolution dated 19.09.2016 is explicitly clear laying down the terms and conditions for release of 20% grant to all the institutions who are brought on 20% to 100% grant in aid vide earlier Government Resolutions. The Government Resolution dated 19.09.2016 clearly stipulates that 20% grant in aid will be released to all these institutions until further orders and decision that would be taken with regard to the grant in aid.

8. In light of the above, the respondents shall consider the case of the petitioners for the grant in aid as per the Government Resolution dated 19.09.2016 and the decision to that effect be taken and the amount be released in case, the petitioners are entitled to within a period of three (03) months from today. Writ petition is accordingly disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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