

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION STAMP NO. 22466/2017.
IN
WRIT PETITION NO. 9123/2015.**

Anusaya Sevabhavi Sanstha
Through its Secretary, Nanded. ... **Applicant.**

VERSUS

Govind Babruwan Gond and others ... **Respondents.**

...
Mr. V.D. Salunke, a/w Mr. G.L. Awale, Advocate for
Applicant.
Mr. Ganesh A. Gadhe, Advocate for Respondent No. 1 & 2.
Mr. A.S. Shinde, A.G.P. for Respondent/State.

**CORAM : S. V. GANGAPURWALA &
 K. L. WADANE, JJ.**

DATE : 20th April, 2018

ORDER:

1. Mr. Salunke, learned counsel for the applicant submits that the applicant's school was initially granted permission on permanent no grant basis. Under the policy vide Government Resolution dated 15.11.2011, the word 'permanent' was deleted and all were brought on non-grant-in-aid. The effect of the policy is that in phased manner the grant in aid would be sanctioned to the institution. So after 2012 the grant-in-aid would be receivable by the applicant. However, under

the order under review this Court has directed the applicant to pay the entire salary to the original writ petitioner from October 2012 onwards. The liability of Management would not arise to pay the salary when once the institution is brought on in grant-in-aid. This aspect is not considered by the Court while passing the impugned order.

2. Mr. Gadhe, learned counsel for respondent No. 1 and 2 supports the order under review.

3. The primary responsibility to pay the salary is of the institution. As per Government Resolution dated 15.11.2011 the word permanent is removed and directions are given for considering those institutions on non-grant-in-aid instead of permanent non grant-in-aid. However, the sanction of grant-in-aid would not be axiomatic and would depend upon the conditions to be followed.

4. Be that as it may, we had observed that the proposal be submitted for grant-in-aid and if the same is sanctioned and made admissible with regard to the salary of the original writ petitioner then institution may adjust the amount paid to original writ petitioner. But the institution cannot refuse to pay the amount to

the petitioner till the time the grant in aid is received.

5. Considering the aforesaid aspects of the order, we had passed the order.

6. In view of that, no reason to interfere with the order under review. Review application is disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

mkd/-