

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

WRIT PETITION NO. 7079 OF 2013

Sant Namdev Shikshan Prasarak
Mandal, Jambhrun Andh (Tanda)
Through : its secretary
Yadhavendra S. Pawar, Age 52
years, Occ: Secretary,
At post :Risala Bazar, Tq. &
Dist. Hingoli.

... **Petitioners**

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Commissioner,
Tribal Development Adivasi
Vikas Bhavan, Ayuktalaya,
Nashik, Tq. & Dist. Nashik.
3. Additional Commissioner,
Tribal Development, Uppar
Aayukta Karyalaya, Near Police
Head Quarters, Amravati, Tq. &
Dist. Amravati.
4. The Project Officer,
Ekatmik Adivasi Vikas Project
At Post : Kalamnuri, Tq.
Kalamnuri, Dist. Hingoli.

... **Respondents.**

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Advocate for Petitioners : Mr. Mayur Salunke H/f Mr.
V.D. Salunke.

AGP for Respondents : Mr. R.V. Dasalkar.

**CORAM : T.V. NALAWADE &
K. L. WADANE, JJ.**

DATE : 11th April, 2018

ORAL JUDGMENT (PER T.V. NALAWADE, J)

1. The petition is filed for various reliefs which include giving directions to the respondent/Government to see that the grant is released in respect of standard 1st and standard 3rd for the year 2011-2012 (for 29 students) for the year 2011-2012 for 27 students of 11th standard and the grants in respect of 27 students of 12th standard which were of academic year 2012-2013. Other prayers like setting aside the circular of Government dated 11.02.2008 and correspondence made for complying the circular.

2. Both the sides heard.

3. This Court has carefully gone through the circular dated 11.02.2008. The plain reading of the circular shows that the two classes of Ashram Schools are mentioned in the Circular. The Government has taken decision that no grant-in-aid will be given to the Ashram Schools if the Ashram Schools are not having more than 30 students in each standard. Further The Government has expressed that in each standard there should be more than 30 students. The second class is of Ashram Schools, which were receiving the Government

grants already. The Government has expressed that these institutions also need to take steps to see that the strength of each standard passes 30. In the circular the Government has advised its officers to see that meetings are held with the management and officers, take initiative to see that steps are taken by management for increasing the strength of all standards of the schools which are already receiving grant-in-aid. If, even after taking such steps the improvement is not shown and Ashram Schools are not admitting more than 30 students in each standard then the Government had expressed that the steps were to be taken for cancellation of the permission granted to such schools. The correspondence dated 02.01.2013 shows that this was addressed to a Project Officers of the Tribble Development and in that also there was a reference of circular dated 11.02.2008 and similar directions were given to see that in each standard more than 30 students are admitted. In this correspondence also direction was given to take steps for cancellation of the permission granted to such schools, if they were not complying the conditions

4. The reply affidavit filed by the Government shows that only on the ground that less students than

the aforesaid strength were found in the aforesaid standards grant was not released. The reply affidavit and record does not show that the steps which were expected in the aforesaid circular were taken by the officers and even the opportunity was given to the management to make the improvement. The petitioner was receiving grant-in-aid from prior to the date of circular.

5. In view of the circumstances, this Court holds that proposals made by the petitioner management for release of the grant needs to be reconsidered by the respondent. For that, the previous order of rejection needs to be set aside. Directions need to be given to the respondent to reconsider those proposals and to that extent relief needs to be granted.

6. The other relief claimed by the petitioner in respect of aforesaid circular and correspondence made with the officers can not be granted in the petition. It is up to the Government to decide policy in such cases. The Government must have studied the circumstances and the incidents which are noticed by the Government and the Court. It is noticed that, in many institutions there are more staff than the

students and the government is required to bear the burden of staff. If the Government is taking precautionary measures which are in larger interest, then the Court is not expected to interfere in such policy matters. It cannot be said that the policy mentioned in Circular dated 11.02.2008 is that rigid. Scope is provided for improvement and the management is expected to take steps for the improvement. This Court holds that the relief of setting aside the circular and communication dated 02.01.2013 cannot be given.

7. In the result, the petition is partly allowed. The decision taken by the Government on the proposals made in respect of grants of the standards mentioned in para No. 29-D is set aside. The Government is hereby directed to decide the proposals afresh.

8. Rule is made absolute in above terms.

(K. L. WADANE, J.)

(T.V. NALAWADE, J.)

mkd