

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

913 WRIT PETITION NO. 3796 OF 2016

EKLAVYA ADHIVASI BHATKYA VIMUKTA JATI JAMATI
MAGASVARGIYA SEVABHAVI SANSTHA ..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

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Mr. R. N. Dhorde, Senior Advocate with Mr. V. R. Dhorde, Advocates for the Petitioner.
Mr. V. S. Badakh, AGP for Respondent-State.

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**CORAM : S. V. GANGAPURWALA &
S. M. GAVHANE, JJ.**

DATED : 06th SEPTEMBER, 2018.

PER COURT:-

1. The petitioner assails the order dated 17.04.2012 passed by respondent no.4 thereby denying the grant-in-aid for the academic year 2012-2013.

2. Mr. Dhorde, learned senior counsel for petitioners submits that as per the requirement of Government Resolution dated 15.11.2011 the school getting 65 marks and above as per the standard of evaluation laid down is entitled to be brought on grant-in-aid. The petitioner-Institution had secured 89 marks. The only reason mentioned for non grant of grant-in-aid for the academic year 2012-2013 is that the appointment of one employee

of the non-teaching staff was not approved. The learned senior counsel submits that the appointment of said employee initially was not approved on the ground that there is a ban on recruitment. Subsequently, under order dated 30.10.2013 his appointment is approved from the initial date of appointment. The learned counsel submits that, as the petitioner was complying with all the requirements, it ought to have been held that the petitioner is entitled for grant-in-aid for the academic year 2012-2013.

3. The learned A.G.P. submits that at the relevant time the appointment of one non-teaching staff was not approved, as such the petitioner was not entitled for the grant-in-aid. More particularly, in view of the Clause '2' of the Government Resolution dated 15.11.2011.

4. We have considered the submissions canvassed by the learned counsel for the respective parties.

5. The institutions those complying with the requirements laid down under the Government Resolution dated 15.11.2011 are brought on grant-in-aid from the year 2012-2013. The conditions required for bringing the institution on 20% grant-in-aid was that the institution should get atleast 65% marks in evaluation and that the approval should have been granted to all the members of the

staff. In the evaluation the petitioner secured 89 marks. The right to claim grant-in-aid for the year 2012-2013 was denied only on the ground that one non-teaching employee was not granted approval to his appointment. From the record it appears that, under order dated 30.10.2013, the appointment of said employee Rashinkar is approved from his initial date of appointment meaning thereby that all the members of the staff were approved for the academic year 2012-2013. The appointment of said Rashinkar is on 27.01.2011. In view of that, the petitioner was entitled for 20% grant-in-aid for the academic year 2012-2013.

6. The impugned order is quashed and set aside. The petitioner no.2 School is held entitled for grant-in-aid for the academic year 2012-2013. The grant shall be released expeditiously on availability of the funds.

7. Writ Petition is accordingly disposed of.
No costs.

(S. M. GAVHANE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

Devendra/September-18

**Devendra
Nandkumar
Kale**

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