

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13431 OF 2016

Jai Tulaja Bhavani Bahuudeshya Sanstha

Kalthan No.2, Solapur

... Petitioner.

V/s.

The State of Maharashtra and others.

... Respondents.

Mr.Umesh Kurund for the petitioner.

Mr.P.G.Sawant, AGP for the respondent- State.

CORAM : A.S.OKA AND M.S.SONAK, JJ.

DATE : 27th August 2018.

P.C.:

Heard the learned counsel for the petitioner and the learned AGP for the respondents.

2. The petitioner is a public Trust registered under the Maharashtra Public Trusts Act, 1950. It is stated in the petition that the petitioner is running a Childrens Home which is having intake capacity of 100 juveniles.

3. Reliance is placed on the State Government Resolution dated 22nd December 2006 under which there is a policy of the State Government to provide grant at the rate of Rs.500/- per juvenile per moth to the juvenile schools run by the private institutions. The case made out

in the petition is that subsequently, the State Government has increased the said amount to Rs.635/- for each juvenile. It is further stated that on 13th September 2013, the said amount is increased to Rs.900/- per juvenile. The petitioner has pointed out the manner in which there is delay in releasing the grant for earlier years. In the present petition, the prayer is for issuing writ of mandamus for releasing outstanding grant for all the years upto and inclusive of the year 2014-15. Exhibit-A is the chart giving details of the total amount payable to the petitioner.

4. The learned counsel appearing for the petitioner states that grant has not been released. The learned AGP has no instructions.

5. The learned counsel appearing for the petitioner relies upon the order dated 31st January 2017 passed in Writ Petition No.5811/2016 and other connected matters. Those petitions were filed by the similarly placed institutions making grievance about failure to release grant up and inclusive of the year 2015-16. In paragraph-3 to 5 of the said judgment and order dated 31st January 2017, this Court observed thus:

“3. The learned AGP submitted that the State Government has undertaken task of reassessment/re-evaluation of all such Balgruhas which are total 963 in number in the State. The learned AGP submitted that 8 teams have been constituted to do the job of reassessment/re-evaluation. He submitted that some of the institutions have not submitted documents which were necessary for reassessment/re-evaluation. Based on a note submitted by the Deputy Commissioner (Child Development), the learned AGP stated that auditors have been appointed by the State Government after following the process of tender. He

submitted that considering the magnitude of the task, the process of reassessment/reevaluation of all such institutions may require time of about 1 year considering the fact that record of each institution will have to be perused and scrutinized.

4. No one can deny that the State Government has a right to make reassessment/re-evaluation of the institutions which are claiming the grant-in-aid as it is the duty of the State Government to ensure that the grant-in-aid released only to deserving and eligible institutions.

5. Considering the fact that the Petitioners are claiming to be running Balgruhas, if they are eligible to receive grant-in-aid, nonpayment of grant-in-aid within a reasonable time may cause prejudice to the juveniles-in-conflict with law.”

6. It is unfortunate that the institutions running Juvenile Homes meant for housing juveniles-in-conflict with law are required to approach Writ Court for getting the grant released.

7. Hence, we pass the following order:

- (i) We direct the respondents to ascertain whether grants in its entirety for all the years and upto and inclusive of the year 2014-15 have been released to the petitioner;
- (ii) If it is found that grants have not been released because of failure of the petitioner to make some compliances, a requisition shall be issued in writing to the petitioner at the address mentioned in the cause title of the petition

within a period of three weeks from the date this order is uploaded calling upon the petitioner to produce documents specified in the requisition. A time of one month shall be available to the petitioner to submit requisite documents and make necessary compliances from the date on which such requisition is received by the petitioner.

- (iii) We direct that reassessment or revaluation of the case of the petitioner for release of grant-in-aid for the period upto and inclusive of the year 2014-15 shall be completed as early as possible and, in any event, within a maximum period of six months from today subject to the petitioner making compliances of the requisition as mentioned above;
- (iv) The decision taken regarding the release of grant-in-aid to the Petitioners shall be communicated to the Petitioners within a period of two weeks from the date on which the reassessment or re-evaluation is completed. Needless to add that if the Petitioners are found entitled to grant-in-aid, necessary amount shall be released by the Respondents as expeditiously as possible and in any event within a period of one month from the date on which a decision is taken holding the petitioners eligible for receiving the grant-in-aid;

- (v) We, however, make it clear that we have made no adjudication on the entitlement to the Petitioners to receive the grant-in-aid;
- (vi) Petitions are disposed of on the above terms;
- (vii) All concerned to act on an authenticated copy of this order.

(M.S.SONAK, J.)

(A.S.OKA, J.)