

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 5453/2016.

Mohan Mahadeorao Kongre and another.

-VERSUS-

The State of Maharashtra and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

CORAM : B. P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.

DATE : JANUARY 22, 2018.

Heard Shri D.S. Lambat, learned Counsel
for petitioners and Shri Ashirgade, learned Addl.G.P.
for respondents.

2. Petitioner no.1 a labour has expired on
06.02.2017 and accordingly a Pursis has been filed
informing that petitioner no.2 son is his legal
representative.

3. Prayer in the petition is to extend to son
benefit of Welfare Scheme at Annexure-P-9.

4. A Board by name 'Maharashtra Building
and other Construction Workers Welfare Board' has

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been constituted under the provisions of Maharashtra Building and other Construction Workers (Regulation and Service Conditions) Rules, 2017. The Rules are under Maharashtra Labour Welfare Fund Act.

5. As per the said Rules, a scheme to help the children of construction workers has been formulated. Scheme no.6 is to provide assistance of Rs.35,000/- to such children for prosecuting medical and technical education.

6. The defence of respondents is 'Pharmacy' for which petitioner no.2 [surviving petitioner now], seeks assistance, is not a part of technical education. They urge that word "Tantrik" would mean only Engineering Education in Scheme No.6.

7. We find it difficult to understand the word "Tantrik" i.e. technical in narrow manner. In welfare scheme at Sr.No.7 Engineering education has been referred to as by using vernacular word "Abhiyantriki", thus, there word "Tantrik" has not been employed.

8. Learned counsel for the petitioner has invited our attention to schemes notified by the Indian Council of Technical Education. AICTE has also included "Pharmacy" as technical subject.

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9. However, learned Addl.G.P. submits that marks secured by the petitioner at 12th standard are below 50% and therefore, benefit of the said scheme cannot be extended.

10. Learned counsel for petitioner points out that such a rider is stipulated in Welfare Scheme no.7, and petitioner is seeking assistance under Welfare Scheme No.6.

11. Fact that petitioner has applied under Welfare Scheme No.6 is not in dispute. Welfare Scheme No.7 envisages Medical Education and Engineering Education. For being able to claim assistance of said Welfare Scheme, a candidate must secure 50% marks in 12th standard. This stipulation, therefore, cannot be extended to Welfare Scheme no.6.

12. We therefore, find that denial of assistance to petitioner unsustainable. We accordingly direct respondents to hold petitioner eligible to the benefit of welfare scheme no.6 and to extend him that benefit within next three months.

13. Writ Petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.