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

WRIT PETITION NO.3380 OF 2019

1. Aniket s/o Bhujang Limbotikar,
Age:21 years, Occu: Student,
R/o Swami Vivekanand College
of Nursing, Udgir, Tq. Udgir,
Dist. Latur

2. Govind s/o Bhagawat Sirsat,
Age: 21 years, Occu: Student,
R/o Swami Vivekanand
College of Nursing, Udgir,
Tq. Udgir, Dist. Latur

..PETITIONERS

VERSUS

1. The State of Maharashtra,
Through Secretary,
Department of Social Justice
and Special Assistance,
Mantralaya, Mumbai

2. The Commissioner,
Social Justice Department,
Maharashtra State, Pune

3. The Regional Deputy Commissioner,
Social Welfare Department,
Latur Division, Latur

4. The Assistant Commissioner
(Accounts), Social Welfare Department,
Latur, Dist. Latur

5. The Assistant Commissioner,
Social Welfare Department,
Latur, Dist. Latur

6. Swami Vivekanand Shikshan
Prasarak Mandal, Udgir,
Through its President/Chairman

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7. Swami Vivekanand College, Latur,
Jalkot road, Udgir, Dist. Latur
Through its Principal

..RESPONDENTS

Mr A. N. Sabnis, Advocate for petitioners;
Mr V. S. Badakh, A.G.P. for respondent Nos.1 to 5

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 7th March, 2019

ORAL ORDER:

Heard Mr Sabnis, learned Counsel appearing on behalf of the petitioners.

2. The petitioners are the students of nursing course and are prosecuting their Basic B.Sc. Nursing Course in respondent No.7 - College, being run by respondent No.6 - Institute. They are the students of 3rd year of Basic B.Sc. Nursing course. On perusal of the documents placed on record, it reveals that the State Government, on receiving certain complaints that a mischief is being played in distributing the scholarship in Gadchiroli district, thought it fit to set up a task force for an inquiry. On this backdrop, the State Government initially thought it fit to stop grant of benefits of scholarship, but subsequently the State Government restricted this decision only to those colleges wherein certain irregularities were revealed. This fact situation is reflected in communication of the Assistant Commissioner, Social Welfare, Latur to respondent No.2 - Commissioner, Social Welfare, State of

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Maharashtra, Pune and the Director, VJNT, OBC & SBC Welfare, Maharashtra State, Pune.

3. Perusal of the communication dated 16th December, 2018 placed on record at Exh.'E' shows that in the inquiry conducted by the special task force, though the college, namely, Swami Vivekanand Mahavidyalaya, Udgir is found to be one of such colleges where there were irregularities, but there was no such adverse finding by the task force in respect of the other colleges being run by respondent No.6 - Institute. The names of other colleges are referred to in the communication dated 16th December, 2018 and they are Swami Vivekanand School of Nursing (ANM & GNM), Swami Vivekanand College of Nursing B.Sc. N. Udgir, Florence School of Nursing, Latur, Swami Vivekanand Adhyapak Vidyalaya and Swami Vivekanand Institute of Technology & Management (MCA), Udgir. The Assistant Commissioner, on the backdrop of this fact, in communication dated 16th December, 2018 forwarded a positive recommendation in favour of certain students who have submitted representation to the Assistant Commissioner on 10th September, 2018. A copy of the representation is placed on record at Exh.'C'. The two petitioners as referred above are finding place in the name of the students at Sr.No.23 and 26, respectively. In the representation itself submitted to the authority with the signatory students to the representations are studying Basic B.Sc. Nursing course in 1st, 2nd, 3rd, 4th year, respectively and as the college could not receive the

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amount of scholarship, the college directed these students to deposit the tuition fees and examination fees. It is further submitted in the representation that on failure to deposit the fees, these students would be subjected to depriving of prosecuting their B.Sc. course and the loss to these students would be not only in monetary terms but it would be loosing their opportunity in academic career and this would be irreparable loss. Thus, Mr Sabnis, learned Counsel, on the basis of communication dated 16th December, 2018 and the copy of the representation dated 10th September, 2018 submitted before us that respondent No.2 - Commissioner, Social Justice Department be directed to take early decision on the proposal dated 16th December, 2018 so as to protect the interest of these petitioners depriving them from prosecuting their academic career as stated above.

4. Perusal of the communication dated 16th December, 2018 shows that respondent No.5 - Assistant Commissioner forwarded positive recommendation and at this stage, we see no reason to accept the statement of the Assistant Commissioner in the communication dated 16th December, 2018 that the said college i.e. Swami Vivekanand Nursing College, Udgir is not in the list of faulty colleges and as such, we see no impediment to dispose of the petition with directions to respondent No.2 - Commissioner to take decision on the proposal dated 16th December, 2018, forwarded to him through respondent No.5, as expeditiously as possible and not later than 20th March, 2019.

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5. We further make it clear that though in this petition only two petitioners are before us i.e. Aniket Limbotikar and Govind Sirsat, in view of the fact that they were among other students signatory to the representation dated 10th September, 2018 and as we have already observed that respondent No.7 - college, wherein all these students are prosecuting their studies is not one of those faulty colleges as per the positive recommendation of the Assistant Commissioner, the other 62 students, who are signatory to the representation dated 10th September, 2018 along with these two petitioners would also be entitled for the relief granted to these petitioners.

With the aforesaid observations/directions, the petition is disposed of.

Registry to issue authenticated copy of the order to the Counsel for the respective parties.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

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