

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**BENCH AT AURANGABAD****CIVIL APPLICATION NO. 13747 OF 2019 IN
RAST/33846/2019 WITH CA/13748/2019
IN RAST/33846/2019**

1. The State of Maharashtra,
Through its : Additional Chief Secretary,
School Education Department,
Mantralaya, Mumbai- 32.
2. The Director of Education,
Secondary and Higher Secondary,
Maharashtra State, Pune.
3. The Deputy Director of Education,
Latur Division, Latur
4. The Education Officer (Secondary),
Zilla Parishad, Osmanabad. .. APPLICANTS

VERSUS

1. Aadarsha Shikshan Prasarak Mandal,
Osmanabad,
Through its : Director,
Shri. Sudhir Keshavrao Patil,
Age : 55 Years, Occu. Service,
R/o. Tambri Vibhag, Osmanabad,
Tq. And District Osmanabad.
2. Shripatrao Bhosale Secondary and
Higher Secondary School at Osmanabad
Through its : head-Master ... RESPONDENTS

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Advocate for Applicants : Mr. R.N. Dhorde h/f Mr. V.R.Dhorde
AGP for Respondents: Mrs. D. S. Jape

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**CORAM :T.V. NALAWADE AND
S. M. GAVHANE,JJ.**

DATE : 26.11.2019.

ORDER :-

The application is filed by the authorized officers of the State for review of the decision given by this Court in Writ Petition No. 563 of 2015 (*Aadarsh Shikshan Prasarak Mandal, Osmanabad and Another Vs. The State of Maharashtra and others*) on 21.02.2019. The delay of 210 days is caused in filing the review application. As there is such huge delay and the State could have challenged the decision of this Court by filing appropriate proceeding in the Hon'ble Supreme Court, this Court directed the learned A.G.P to show that there is some arguable case for review.

2. The learned A.G.P submitted that at principal seat on 03.05.2019, in similar matter decision was given in Writ Petition no. 8028 of 2014 decided with other matters and in view of the said decision, the present decision needs to be reviewed. This Court has carefully gone through the said decision though it was decided subsequent to the decision given by this Court.

3. One point like whether the school can gets grant-in-aid retrospectively, from the date of its application, was considered and it is held that giving grant-in-aid retrospectively is not possible.

4. In writ Petition No. 563 of 2013 the decision of which review is sought was decided on the facts of that case. The case of the petitioner that they had filed application for getting grant-in-aid, prior to Government resolution dated 14.07.2000 was considered. It was the case of giving grant-in-aid in respect of additional divisions sanctioned to the School from the year 1999 to 2002-2003 and it was not the case of giving permission for new School. In similar matters, the Government had given grant-in-aid to some Schools but the decision was not taken on the application given by the petitioner and then attempt was made to show that subsequent rules will be applicable. This Court held that the action was not bonafide, it was malafide and it was taken with revengeful attitude and to create complication. That observations was made on the basis of subsequent conduct of the respondents also. The period when additional divisions were created and they were sanction was considered and the decision was given. Thus, the factual aspect was considered and the scheme of the Government for giving grant-in-aid at the relevant time was also considered. If there was the grievance against this decision, it was open to the present applicants to challenge the decision but that was not done. In view of the aforesaid circumstances, this Court holds that the grounds mentioned in

the application filed for review cannot be considered in view of the scope of the power of review. As there is no case for review and as there is huge delay caused, which is not explained, this Court holds that it is not fit case of condonation of delay. In the result, the application stands dismissed.

(S.M. Gavhane, J.)

(T.V. NALAWADE, J.)

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