

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

977 WRIT PETITION NO.5872 OF 2020

GRAMIN VIKAS MANDAL
VERSUS
THE UNION OF INDIA AND OTHERS

Advocate for Petitioners : Mr Pradeep Deshmukh h/for Ms Ranjita R.
Barhate

AGP for Respondents State: Mr A. R. Kale

Advocate for Respondent No.1: Mr. Bhushan Kulkarni

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 16th February, 2021.

ORDER:

1. The petitioner assails the communication dated 23.07.2020 and the Government Resolution dated 23.03.2018. Under the communication dated 23.07.2020, the petitioner was directed to transfer its inmates to the nearest State run units. The petitioner is directed to stop its operation and functioning of the project under the Swadhar Scheme.
2. We have heard Mr. Deshmukh learned Advocate for the petitioner and Mr. Kale, the learned A.G.P.
3. According to the learned Advocate for the petitioner, the petitioner is one of the best run organization and performing exemplary services. It is only because the respondents have changed the policy, the impugned communication is issued. The petitioner has already filed application for renewal under the new guidelines. The District Level Committee has also recommended the case of the petitioner to the State level committee.
4. Mr Kale, the learned A.G.P. submits that the petitioner has no

authority to run the Swadhargruha under the Swadhar Scheme in view of the Government Resolution dated 23.0.03.2018. The petitioner's licence is not in force. The petitioner is illegally running the Swadhargruha.

5. The learned A.G.P. accepts that the petitioner's case is recommended by the District Level Committee and the same is pending with State Level Committee.

6. It appears that due to change of policy by the Government and new guidelines, the petitioner is required to seek permission/renewal to run Swadhargruha. Without permission, the petitioner certainly would not be entitled to run the Swadhargruha. The petitioner is issued letter dated 23.07.2020 to close down Swadhargruha.

7. According to the learned A.G.P. there are 25 inmates, where as, according to the learned Advocate for the petitioner, it has 28 inmates. It is for the State to certify the number of inmates the petitioner possess.

8. Considering the fact that the cause of the petitioner has been recommended by the District Level Committee and the matter is pending with the State Level Committee, we pass the following order.

ORDER

- i. The petitioner is allowed to continue with the inmates by observing and abiding by all the guidelines and specifications laid down by the State Government. The petitioner may continue to run the Swadhargruha till the State Level Committee takes decision upon the

proposal/application of the petitioner.

- ii. In case the petitioner fails to abide by the necessary requirements such as the infrastructure and such facilities, then the State Government has every right to take further action against the petitioner Swadhargruha
 - iii. It is made clear that the petitioner would not be entitled for grant from 23.07.2020 till the State level committee takes decision upon the proposal of the petitioner.
9. Writ petition is accordingly disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC