

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

983 WRIT PETITION NO.9652 OF 2017

MAHARASHTRA EDUCATION SOCIETY UDGIR THROUGH ITS
SECRETARY AJAY DANDWATTE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners:
Mr. Patil N. P. Jamalpurkar
AGP for Respondents No. 1 to 4:
Mr. P. K. Lakhotiya
Advocate for Respondent No. 5:
Mr. Akshay Kulkarni h/f. Smt. Anjali Dube

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**CORAM: S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE: 20th AUGUST, 2021

PER COURT:

1. The petitioners seek directions against the respondent to release and disburse the *grant-in-aid* in favour of petitioner no. 1 for the conduct of Computer Science subject.

2. Mr. Patil, learned Advocate for the petitioners submits that the petitioner institution is granted recognition by the State Government in the year-1966 to run Science faculty college. Since the year-1966 the petitioner is

running it's college. The learned Advocate submits that it was erroneous on the part of the respondent to refuse the grant-in-aid on the ground that Government has not granted recognition to the Computer Science subject. The petitioner college is an old college. The recognition is already granted to the Science faculty. The Computer Science is one of the subject of Science faculty. The then Dr. Babasaheb Ambedkar Marathwada University had also granted affiliation to the subject Computer Science of the petitioner institution. Subsequently, the college of the petitioner is brought within the jurisdiction of respondent no. 5 / University. The respondent no. 5 / University has also continued the affiliation granted to the petitioner in Computer Science subject. The learned Advocate submits that discrimination is made as against the petitioners as other colleges are given grant-in-aid for Computer Science subject. According to the learned Advocate, only one lecturer is occupying the post

of Computer Science. Not much financial burden would be upon the Government.

3. Mr. Lakhotiya, learned A.G.P. relies upon the Government Resolution dated 04.04.2012 to contend that it is only if the Government has granted individual recognition to the Computer Science subject on non *grant-in-aid* basis prior to 2001, then only grant-in-aid is granted to those institutions. The petitioner is not granted recognition by the Government for Computer Science subject at any point of time. The impugned order is rightly passed by the authorities.

4. We have considered the submissions canvassed by the learned Advocate for the petitioner and the learned A.G.P. for the respondents.

5. This Court under it's order dated 09.12.2019 had directed the learned A.G.P. to make available concerned record, especially of the colleges referred to in the Government Resolution of the

year 2012, thereby extending the benefit of *grant-in-aid* to the Computer Science subject.

6. Pursuant to the said order, the learned A.G.P. has placed the record.

7. There are about 24 colleges accorded the benefit of *grant-in-aid* to the Computer Science subject in the Nanded region. The petitioner's college is in Nanded region. Out of 24 colleges getting benefit of *grant-in-aid* to the Computer Science subject, 6 colleges are such who are granted recognition by the State of Maharashtra for Science faculty but no individual recognition to the Computer Science subject was given, still to those institution State has given the benefit of *grant-in-aid* for Computer Science Subject. The submission is that though the State had given individual recognition to those 6 institutions for Computer Science subject but recognition was granted to the Science faculty and that the University has granted affiliation to the Computer Science Subject.

8. In the instant case also the petitioner institution is granted affiliation for the Computer Science subject by the University. This fact is accepted by the learned Advocate for the University as per the record available with it. The University has granted affiliation to the petitioner institution for the Computer Science subject in the year 1994-1995. It is submitted that though the affiliation is granted in the year 1994-1995 the actual course has commenced in the year 1998-1999. Be that as it may, the fact remains that today also the Computer Science subject is continued.

9. The petitioner institution claims discrimination. Six institutes in the Nanded region are similarly situated as that of petitioner. They are (I) Sant Janabai Mahavidyalaya, Gangakhed, (II) Dnyanopasak Mahavidyalaya, Jintoor, (III) Godavari Shikshan Prasarak Mandal Parbhani's B. Raghunath Mahavidyalaya, (IV) Sharda Bhavan Education

Society's Indira Gandhi Mahavidyalaya, Nanded,
(V) Vai. Dhunda Maharaj Mahavidyalaya, Degloor,
(VI) Sant Tukaram Mahavidyalaya, Parbhani.
These 6 institutes who have been given *grant-in-aid* were not granted individual recognition for Computer Science subject by the State Government but were granted a general recognition for the Science faculty. The petitioner also is granted general recognition for the Science faculty in the year 1966 and the same is in force. The said fact is not disputed by the respondents. The petitioner institution ought to have been similarly treated as the other similarly situated 6 institutes having been given the benefit of *grant-in-aid* for the Computer Science subject.

10. Considering that the benefit is granted to the similarly situated institutions by the State as the petitioner, we are inclined to grant similar benefit to the petitioner.

11. The impugned order is quashed and set aside.

12. The respondent shall not refuse the benefit of *grant-in-aid* to the petitioner only on the ground that individual recognition was not granted by the State to the petitioner for the Computer Science subject and shall extend the benefit of *grant-in-aid* to the petitioner for the Computer Science subject as per the staffing pattern approved by the Competent Authority and as per Government Resolution dated 04.04.2012.

13. Writ Petition is accordingly allowed. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

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