

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 3225 /2020

1. Dr. Sarvpalli Radhakrushanan Shikshan Sanstha, through its President, having office at Sanjay Bhavan, Mudholkarpeth, Amravati Tq. And Distt. Amravati.
2. Dr. Radhakrushanan Vidya Mandir Marathi Primary School, through its headmaster, Vinod Narayan Wange (I/C Head Master), Aged 54 years, Occ. Service.
3. Vinod Narayan Wange (I/C Head Master) Aged 54 years, Occ. Service,
4. Ratna Bhaskarrao Lokhande (Asstt. Teacher) Aged 44 years, Occ. Service,
5. Anuradha Madanrao Vidhale (Asstt. Teacher), Aged 35 years, Occ. Service.
Petitioners No.3 to 5 are R/o.
Dr. Radhakrushanan Vidya Mandir
Marathi Primary School, Siddhi Vinayak Colony, Saturna, Amravati,
Tq. and Distt. Amravati.

..... PETITIONERS

// VERSUS //

1. State of Maharashtra, through its Secretary, Ministry of School Education and Sports Department, Mantralaya, Mumbai – 32.
2. Director of Education, Central Building, Pune – 411 001.
3. Deputy Director of Education, Amravati Region, Amravati.

4. Education Officer (primary),
Zilla Parishad, Amravati.
5. Superintendence of Pay Unit
(Primary), In front of Police Station,
Nagpuri Gate, Walgaon Road,
Amravati.

.... RESPONDENTS

Shri R. L. Khapre, Senior Advocate for petitioners.
Shri N. R. Patil, AGP for respondents / State.
Shri J. B. Kasat, Advocate for respondent no.4.

**CORAM : SUNIL B. SHUKRE AND
AVINASH G. GHAROTE, JJ.**

DATE : 24/03/2021

ORAL JUDGMENT : (PER:- SUNIL B. SHUKRE, J.)

1] Heard.

2] **Rule.** Rule made returnable forthwith.

3] Heard finally by consent of the learned counsel appearing for the parties.

4] We find from the documents filed on record and also the reply of respondent no.4 that the petitioners are eligible to receive the grants and those grants have also been sanctioned to the petitioners in a greater manner.

5] By the GR dated 25/06/2013 although the petitioners, who

were declared to be eligible to receive the Grants-in-aid to the extent of 20 %, there was remark to the effect that the process of withdrawal of petitioners school was under way on account of deficiency in attendance of the students. This remark was removed by the department of education by the Corrigendum dated 25/02/2014 in view of decision given by the High Court. Therefore, it was declared that the petitioner school would be entitled to receive 20 % grants with effect from June 2010. The percentage of grant was increased gradually on 24th April 2014. The percentage was increased to 20 % with effect from June 2010. Later on, it was increased to 40 % with effect from June 2011, then to 60 % with effect from June 2012 and then to 80 % with effect from June 2013 and finally 100 % with effect from June 2014. Respondent no.4 in his reply admits that the school of petitioner no.1 is eligible to receive grant in the aforesated manner. However, it is clear from the reply of respondent no.5 that he is striking a different note and it appears that respondent no.5, in order to stall the release of the grant has tried to make his own interpretation of the GRs including Corrigendum issued by the State Government. We do not understand as to what authority respondent no.5 would have to make an independent interpretation as if, he is not under the control or Superintendence of State of Maharashtra. The original GR, the Corrigendum and the further GRs all are clear and not admit of any two interpretations and yet, respondent

no.5 under the shelter of his own interpretation of this GR is refusing to sanction the bills already pending with him.

6] In view of the above, we allow the petition in terms of prayer clause (1) with modification that the direction to release the grants has been given by this judgment to respondent no.5, which shall be obeyed in letter and spirit by respondent no.5. The grant may be released accordingly by respondent no.5 by sanctioning the bills already pending within a period of two weeks from the date of the order.

Rule is made absolute accordingly. No costs.

(AVINASH G. GHAROTE, J) (SUNIL B. SHUKRE J.)