

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

WRIT PETITION NO. 3548 OF 2019

1. Swami Ramanand Teerth Shikshan
Prasarak Mandal Shahagad through
its President and another .. Petitioners

Versus

1. The State of Maharashtra,
and others .. Respondents

Shri B. L. Sagar Killarikar, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 3.
The Respondent No. 4 served.

**CORAM : MANGESH S. PATIL AND
SANDEEP V. MARNE, JJ.**

RESERVED FOR ORDER ON : 28.07.2022

ORDER PRONOUNCED ON : 02.08.2022

FINAL ORDER (*Per Sandeep V. Marne, J.*) :-

. The present petition was originally filed by the petitioners seeking declaration that they are entitled to receive 100% grant in aid for new subjects of Public Administration, Psychology, Home Science, Dramatics, Computer Science and Physical Education with effect from the date of commencement of the said subjects in the petitioner No. 2 college in accordance with the government policy as per the Government Resolution dated 17.06.1995. However, during the pendency of present petition,

the proposal of the petitioners came to be rejected by the respondent No. 1 vide order dated 13.08.2019. The petitioners have accordingly amended the petition and have challenged the communication dated 13.08.2019 by adding prayer clause B-1 to the petition.

2. During the course of his submissions, the learned advocate appearing for the petitioners has sought to assail the communication dated 13.08.2019 essentially on the following three grounds :

(i) That the said decision is discriminatory as similar request of Vaidyanath College, Parli Vaijnath, Dist. Beed has been granted vide the Government Resolution dated 24.02.2019 and that, therefore, the action of the respondents is discriminatory and violative of Article 14 of the Constitution.

(ii) That similar issue has been decided by this Court, Bench at Nagpur, in Writ Petition No. 5366 of 2013 in the case of Vidyabharati Sanstha, Wardha Vs. The State of Maharashtra and another.

(iii) That the petitioners fulfill all the conditions laid down in the Government Resolutions dated 17.06.1995 and 26.05.1999, which provide for 100% grant in aid for new subjects.

3. The petition is resisted by respondent Nos. 1 to 3 by filing affidavit in reply dated 23.09.2019, *inter alia*, contending that

the petitioners are not entitled to be granted 100% grant in aid for the new subjects in pursuance to the Government Resolution dated 17.06.1995. With regard to the plea of discrimination, respondent Nos. 1 to 3 have filed an additional affidavit dated 04.09.2020 denying any discriminatory treatment being meted out to the petitioners.

4. We have heard learned counsel for respective parties and have carefully perused the record of the case.

5. The first submission of the learned advocate for the petitioners is that they are meted out discriminatory treatment vis-a-vis Vaidyanath College, Parli Vaijanath, Dist. Beed, which is raised by relying on the Government Resolution dated 24.01.2019. By the said Government Resolution, State Government has granted approval for grant in aid for the subjects of Computer Science and Physical Education to Vaidyanath College, Parli Vaijnath, Dist. Beed. The respondent Nos. 1 to 3 in their additional affidavit, have pointed out that the said Government Resolution dated 24.01.2019 is restricted to the subjects of Computer Science and Physical Education, whereas grant in aid claimed by the petitioners is for the subjects of Public Administration, Psychology, Home Science and Dramatics. It is further pointed out that the grant in aid in favour of Vaidyanath College, Parli Vaijnath, Dist. Beed is sanctioned in pursuance of Government Resolution dated 04.04.2012 under which grant in aid is admissible in respect of subjects of Computer Science, Physical Education and

Electronics. The State Government has contended that there is no parity between the case of the petitioners and that of Vaidyanath College, Parli Vajinath, Dist. Beed. We are satisfied by the said explanation offered by the State Government and do not find that any discriminatory treatment has been meted out to the petitioners vis-a-vis Vaidyanath College, Parli Vajinath, Dist. Beed. Therefore, the contention of the learned advocate for the petitioners in this regard is rejected.

6. Now we come to the second ground of challenge viz reliance on the judgment dated 25.07.2014 passed by this Court, Bench at Nagpur, in Writ Petition No. 5366 of 2013. After going through the said judgment, we find that the same has no remote application to the facts and circumstances of the present case. In the said case, the petitioner society was initially granted permission to open first section in commerce faculty. Subsequently, on account of increase in the strength of students, permission was sought to open second section in commerce faculty, which was also granted. However while extending 100% grant in aid to the commerce faculty, the Government restricted the same only to one out of the two sections in the commerce faculty. The grievance of not providing grant in aid to the second section of commerce faculty was raised in Writ Petition No. 5366 of 2013 by the petitioner therein. This Court held that the action of the State Government to deny 100% grant in aid to the second section of commerce faculty was bad in law and accordingly directed the State Government to provide grant in aid to both the sections of the commerce faculty. As against, this

the petitioners are seeking grant in aid for new subjects. Thus the said judgment passed by this Court in Writ Petition No. 5366 of 2013 has no application to the facts and circumstances of the present case and accordingly the second contention of the learned advocate for the petitioners also deserves to be rejected.

7. Now we come to the third contention raised by the learned advocate for the petitioners that the case of the petitioners is squarely covered by the Government Resolutions dated 17.06.1995 and 26.05.1999. We have carefully gone through the said Government Resolutions dated 17.06.1995 and 26.05.1999. By the Government Resolution dated 17.06.1995, it was resolved to grant 100% grants to one senior college in the talukas. The petitioner No. 2 college has been established in Ghansavangi taluka of Jalna District and by way of Government Resolution issued on 31.03.1999, 100% grant in aid has already been sanctioned to the petitioner No. 2 college in accordance with Government Resolution dated 17.06.1995 as a special case considering the fact that there was no other senior college in the said taluka. By Government Resolution issued on 26.05.1999, all that is provided, is that in the event of only one or two out of the three traditional streams of Arts, Science and Commerce are started in such college at taluka and subsequently the college starts balance second or third stream, such stream would also be granted 100% grant in aid from the date of commencement of such stream(s). The Government Resolution dated 26.05.1999 further provided that in case new optional subjects were receiving 100% grant in aid, such subjects would also continue to

receive 100% grant in aid and that all professional courses and subjects which were on permanent non grant basis would continue to remain on permanent non grant basis. We fail to comprehend how the Government Resolution dated 26.05.1999 would come to the aid of the petitioners. Therefore third contention of the learned advocate for petitioners also deserves to be rejected.

8. We therefore find that petition filed by the petitioners is devoid of any merits and the same deserves to be dismissed. The same is accordingly dismissed without any order as to costs.

[SANDEEP V. MARNE, J.]

[MANGESH S. PATIL, J.]

bsb/Aug. 22