

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 9374 OF 2019

BHAGWAN SHIKSHAN PRASARAK MANDAL BHAGWAN NAGAR GEVRAI
THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Mr. S.S. Jadhavar, Advocate for petitioner;
Mr. P.S. Patil, AGP for respondent – State;
Mr. K.B.Jadhavar, Advocate for respondents 2 and 3.
...

**CORAM : DIPANKAR DATTA, CJ.
AND
SMT. VIBHA KANKANWADI, J.**

DATE : NOVEMBER 17, 2022

PC :

1. By instituting this writ petition dated 24th July, 2019, the petitioner seeks the following relief:

“(B) By issuing writ of *mandamus* or any other appropriate writ, order or direction, respondents may kindly be directed to sanction and disburse grants towards building rent in favour of the hostel run by the petitioner namely Dr. Babasaheb Ambedkar Magasvargiya Mulanche Vastigruha from the academic year 2012-13.

(C) By issuing writ of *mandamus* or any other appropriate writ, order or direction, respondents may kindly be directed to sanction and disburse balance unreleased grants (40%) towards “*Palan Poshan*” for the academic year 2017-18 and total grants for the academic year 2018-2019 in favour of the hostel run by the petitioner namely Dr. Babasaheb Ambedkar Magasvargiya Mulanche Vastigruha.”

2. We have found from pages 46, 48, 49 and 51 of the reply affidavit of the respondents 2 and 3 that notices were issued to the petitioner calling upon it to comply with the directions contained therein as a pre-condition for entitlement of grants-in-aid.

3. According to learned advocate for the respondents 2 and 3, grants-in-aid have not been released since the requirements have not been complied with by the petitioner.

4. Learned advocate for the petitioner, in response, has invited our attention to page 116 of the rejoinder affidavit. According to him, reply was furnished by the petitioner in response to the notices referred to above, yet, no decision has been taken by the respondent no. 3 either way.

5. Having heard learned advocates for the parties and on perusal of the materials on record, we dispose of the writ petition with a direction to the respondent no. 3 to take an appropriate decision on the notices issued by it, upon taking into consideration the petitioner's response dated 7th August 2019 at page 116 of the rejoinder affidavit, as well as in accordance with law.

6. It would be desirable if the respondent no. 3 affords an opportunity of personal hearing to the authorised representative of the petitioner prior to taking a decision either in favour of release or withholding of grants-in-aid. In case, grants-in-aid is

withheld, the reason shall be communicated to the petitioner.

On the contrary, if the petitioner is found to have complied with all formalities for release of grants-in-aid, release thereof shall not be unduly delayed.

7. Let this exercise be completed as early as possible, but positively by 15th December, 2022.

8. No costs.

[SMT. VIBHA KANKANWADI, J.]

[CHIEF JUSTICE]

arp/