

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11057 OF 2022
(Baliram Naik Shikshan Prasarak Mandal, Through Kalyan Baliram Rathod)

Mr.C.V.Thombre, Advocate for the petitioner.
Ms.R.P.Gaur, AGP for respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : NOVEMBER 15, 2022

PER COURT :

1. The petitioner is before us seeking the applicability of the conclusions drawn by this Court at the Nagpur Bench vide judgment dated 27.06.2022 delivered in WP No.4120/2019 filed by the **Maharashtra Rajya Kayam Vina-Anudanit Varishta Mahavidyalaya Kruti Samiti Vs. The State of Maharashtra and others.** In a very short judgment, the only issue that was considered by the Bench was, the meaning assigned to the words "on permanent no grant basis". It is held in paragraph No.6 as under :-

"6. In view of the above, we find that the issue involved in this petition has been covered by the view taken by the Division Bench of this Court in Writ Petition no.138/2003 decided on 08.04.2005 and accordingly,

we declare that the words used in order dated 02.07.2007 "on permanent no grant basis" would only mean that there is no denial of no grant permanently and there is a possibility of making available grants in future in accordance with the law and the policy that may be formulated by the State Government on improvement of the State's financial condition and other relevant circumstances."

2. The petitioner has already filed an application addressed to the Hon'ble Deputy Chief Minister, Maharashtra State. The said application is without a date and there is no acknowledgment receipt from the Officer of the Hon'ble Deputy Chief Minister.

3. The issue is plain and simple. In the light of the conclusions drawn in the judgment dated 27.06.2022 (supra), if the Government has funds, which can be allocated to the institutions being operated on "permanent no grant basis" and subject to the conditions as may be applicable, the funds can be distributed. It is left entirely to the State Government to take decision.

4. In view of the above, this petition is disposed off with liberty to the petitioner to address a fresh application to respondent No.1 through it's Secretary, Higher and Technical Education. If such application is

tendered by the petitioner to respondent No.1, on or before 30.11.2022, the said authority would be at liberty to consider the said application in the light of the view expressed by this Court at the Nagpur Bench vide judgment dated 27.06.2022 in the **Maharashtra Rajya Kayam Vina-Anudanit Varishta Mahavidyalaya Kruti Samiti** case (supra).

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)