

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.11587 OF 2019

Janseva Shikshan Sanstha & Anr.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

Mr.S.S. Pakale i/b Mr.S.M. Katkar, for the Petitioners.

Mr.S.L. Babar, AGP for the Respondent-State.

**CORAM : S.V. GANGAPURWALA &
S.M. MODAK, JJ.**

DATE : 7 JULY 2022

P.C:-

. The learned counsel for the Petitioners submits that the Respondent Nos.1 to 5 is directed to release grant-in-aid of the salary in favour of the employees of the Petitioner.

2. The learned counsel submits that the Petitioner was complying with the minimum standard and the minimum marks required for grant of full salary grant as per GR dated 15 November 2011.

3. The Petitioner had secured 66.5 marks. The bench marks was 65 marks. The grant was not released in favour of the Petitioner. The Petitioner was shown in the list of ineligible

institution under the GR dated 4 August 2015.

4. The grant was not released on the ground that the Petitioner has not filled in reserved category post and not filled the backlog of the reserved category. The Petitioner filed Writ Petition and this Court allowed the Writ Petition and directed that the salary grant should not be withheld on the ground of backlog.

5. Thereafter, the Application was made, the Respondents realized the mistake. The Commissioner of Education under its communication dated 16 June 2021 communicated the State Government that the Petitioner is entitled for the grant-in-aid. The proposal is not yet sanctioned by the State Government.

6. We have heard the learned AGP. The factual matrix as discussed above is not disputed. The Petitioners school is in 103 development gut, wherein the bench mark for the grant-in-aid was that the institution should get 65 marks. The Petitioner got 66.5 marks.

7. It appears that inadvertently the name of the Petitioner was included in the list of ineligible school. This Court has also passed an order directing not to withhold the grant of the

Petitioners' school only on the ground that the backlog exists.

8. It also appears that the Commissioner of Education has sent proposal to Respondent No.1 that the Petitioner school is entitled for the salary grant. In fact, it for more than one year, the proposal is still pending with the State Government.

9. In light of that, the State Government shall approve the proposal sent by the Commissioner as the Petitioner already obtained more than 65 marks.

10. The Respondent shall as such release the salary grants to the Petitioner as applicable and as per the order dated 16 July 2014 and 6 August 2014 passed in Writ Petition No.10440 of 2013. The same shall be released expeditiously.

11. Writ Petition is accordingly disposed of with the aforesaid observations. No costs.

(S.M. MODAK, J.)

(S.V. GANGAPURWALA, J.)