

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

WRIT PETITION NO. 4120 OF 2019

**Maharashtra Rajya Kayam Vina-
Anudanit Varishta Mahavidyalaya Kruti
Samiti,**

Through its President
Dr. Deepak Sheshraoji Dhote,
R/o. Mahalaxmi Colony, Amravati

.. Petitioner

Versus

1. State of Maharashtra, Through its
Secretary, for Higher and Technical
Education Mantralaya, Mumbai

2. Director,
Higher and Technical Education,
Central Building, Pune.

3. Union of India,
Through its Secretary for
Ministry of Human Resources
Department, New Delhi

4. University Grants Commission,
Through its Chairman,
New Delhi.

.. Respondents

Mr. Sunil Manohar, Sr. Adv. with Mr. S. A. Marathe, Advocate for petitioner
Mr. L. M. Acharya, Adv. with Mr. M. J. Khan, AGP for respondent Nos.1 & 2
Mrs. Mugdha Chandurkar, Advocate for respondent No.3
Mr. Arun Agrawal, Advocate for respondent No.4

CORAM : SUNIL B. SHUKRE AND G. A. SANAP, JJ.
DATE : 27/06/2022

ORAL JUDGMENT: (Per : SUNIL B. SHUKRE, J.)

Heard. Rule. Rule made returnable forthwith. Heard
finally by consent of the learned counsel appearing for the parties.

(2) The only issue which has remained to be resolved through this petition is of the meaning assigned to the words “on permanent no grant basis” as the permission granted to the petitioner to start new college is “on permanent no grant basis”, as per the order dated 02.07.2007.

(3) The learned senior Advocate appearing for the petitioner has contended that whenever the words “permanent no grant basis” are used they are to be understood as conveying the meaning that permission granted to start the new college is not on no grant basis permanently but is on no grant basis to be reconsidered as and when the financial situation of the Government improves or as and when a new policy decision is taken. For this proposition of law, learned senior Advocate relies upon the view taken by Division Bench of this Court in *Writ Petition No.138 of 2003 (Shri Gajpal Udgate Trust and ors. .v/s. State of Maharashtra and ors.)*.

(4) In Writ Petition No. 138 of 2003, the Division Bench of this Court has observed as follows:

“6. In other words, the expression “permanent no grant basis” used in the permission dated 2nd June 1999 does not mean denial of no grant permanently but subject to consideration of grant-in-aid 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."

(5) Shri Acharya, learned Advocate for the State Government submits that so far as preposition of law is concerned, there is no dispute. He graciously concedes that the words "permanent no grant basis" are capable of being understood as no grant basis depending upon the policy of the State.

(6) In view of 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 of 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.

(7) The petition is **disposed of**, in the above terms. Rule accordingly. No costs.

(G. A. SANAP, J.)

(SUNIL B. SHUKRE, J.)