

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

WRIT PETITION NO.6897/2017

Tarachand s/o Wamanrao Zingre
Vs.

The Maharashtra Labour Welfare Mandal, Chandrapur, through Labour
Welfare Officer and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Shri A.J. Pathak, Advocate for petitioner
Ms K.K. Pathak, Advocate for respondents.

CORAM : AMIT BORKAR, J.

DATE : SEPTEMBER 12, 2022.

The petitioner is challenging the order dated 24.03.2017 passed by the District Court-2, Chandrapur, in Regular Civil Appeal No.17/2015, refusing to grant a scholarship to the petitioner's son.

2. The facts relevant for the adjudication of the issue involved are as under:

The petitioner was working as a conductor in MSRTC in Chandrapur and had two sons, namely; Prashant and Kishor. The petitioner's son got admission to the PhD course in Singapore from 2010 to 2015. Since the petitioner's economic condition was vicarious, he applied with respondent no.1 for a grant of scholarship. According to the petitioner, for the years 2011 and 2012 total amount of ₹75,000/- was disbursed as a scholarship but thereafter, the

amount of the scholarship was not paid. Therefore the petitioner applied with the Board for a grant of scholarship. By order dated 30.03.2013, the petitioner's application was rejected by the Assistant Labour Commissioner, Nagpur, holding that the petitioner had failed to attach copies of the mark sheet for the previous educational year. The said order was challenged by Regular Civil Appeal No.17/2015 before the District Court, Chandrapur, under Section 6A (7) of the Maharashtra Labour Welfare Fund Act, 1952. The learned District Judge, by the impugned order, dismissed the appeal. Aggrieved thereby, the petitioner has filed the present petition.

3. According to the petitioner, the respondent-Board, having disbursed scholarships for 2011 and 2012, should also have disbursed scholarships for 2013. According to him, the economic condition of the petitioner was required to be seen on the filing of the application and not on the date of the decision of the Appellate Court's order. He placed reliance upon sub-section (3) and (4) of Section 7 of the Maharashtra Labour Welfare Fund Act to urge that the Board is under obligation to make a grant of the fund to any employer, any local authority or any other body in aid of any activity for the welfare of labour approved by the State Government. Therefore, the Board is under obligation to provide scholarships to the needy labourers whose sons need such an amount.

4. *Per contra*, learned advocate for the Board submitted that on the date of the application, there was neither a scheme nor any other fund creating legally enforcing right in favour of the petitioner to claim scholarship for their children. She invited my attention to the subsequent decision taken by the Board in 2014 granting a one-time benefit of ₹50,000/- to the children of eligible labour. However, according to her, on the date of filing of the application by the petitioner, no such scheme was in force. Therefore there was no legally enforceable right in favour of the petitioner to claim any relief.

5. Having carefully considered the submissions on behalf of both sides, I am of the opinion that the petitioner has filed to demonstrate the legally enforceable right which enables him to claim a scholarship. The benefit of the policy decision taken in the year 2014 shall be available to such students/parents who are eligible under the scheme of 2014. Even if it is held that the petitioner is entitled to the benefit of the scheme of 2014 as the petitioner has completed his Ph.D. course in the year 2015, as per terms of the policy of 2014 one-time amount of ₹50,000/- was to be paid to the eligible students/parents. In the case of the petitioner, he had already received an amount of ₹75,000/- in the academic year 2011 and 2012. Therefore, in any case, the petitioner would not be entitled to the benefit of the policy framed in the year 2014 equally on the date of filing of application by the petitioner in the absence of any policy

creating right in favour of the petitioner, he would not be entitled to any more amount than the amount which is already paid to the petitioner. Therefore, there is neither error of jurisdiction nor miscarriage of justice. No interference is necessary under Articles 226 and 227 of the Constitution of India. Accordingly, the writ petition stands dismissed. No costs. Pending civil application (s), if any, stand(s) disposed of.

JUDGE

Wagh