

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO. 1508 OF 2023

JANJAGRITI MANDAL SANCHALIT SANKSAR PRABODHINI MADHYAMIK
VIDYALAYA THROUGH ESHWAR ASHOK WAGH
VERSUS
UNION OF INDIA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Deshpande Sanjeev B., Senior Advocate
i/by Mr. Choudhari C. B.
Advocate for respondents 1 and 2 : Mr. Rahul B. Bagul
AGP for the respondent – State : Mr. S.V. Hange
...

**CORAM : MANGESH S. PATIL &
NEERAJ P. DHOTE, JJ.**

DATE : 07 DECEMBER 2023

PC :

Heard learned senior advocate Mr. Sanjeev Deshpande for the petitioner, Mr. R.B. Bagul for respondents 1 and 2 and the learned AGP for respondents 3 and 4.

2. The petitioner has been coming with following prayers :

- "A. *This writ petition may kindly be allowed.*
- B. *By issuing appropriate writ in the nature of mandamus or otherwise, the impugned actions of respondent authorities denying National Means Cum Merit Scholarship to students of petitioner institution may kindly be quashed and set aside.*
- C. *By issuing appropriate writ in the nature of mandamus or otherwise, respondent authorities may kindly be directed to grant benefits of National Means Cum Merit Scholarship to students of petitioner institution who have cleared examination.*
- D. *Notification dated. 24.01.2023 issued by the Commissioner, Maharashtra State Examination Council may kindly be quashed and set aside.*

- E. Pending hearing and final disposal of this petition, respondent authorities may kindly be directed to take appropriate steps to grant benefits of National Means Cum Merit Scholarship to students of petitioner institution who have cleared examination.*
- F. Pending hearing and final disposal of this petition, effect, operation and implementation of Notification dated. 24.01.2023 issued by the Commissioner, Maharashtra State Examination Council may kindly be stayed.*
- G. Ad interim relief in terms of prayer (D) and (F) and may be granted.*
- H. Any other suitable relief that this Honble court may deem fit may kindly be awarded in his favour.”*

3. The issue involved is, as to if the centrally sponsored scheme of National Means Cum Merit Scholarship is available even to the students who are studying in the institution like the petitioner which is not receiving whole grant but only a partial grant-in-aid from the State government.

4. It is necessary to note that on 02-11-2023, on behalf of the respondents nos. 3 and 4, the learned AGP had sought time on the ground that the guidance was solicited from the concerned Ministry of the Government of India by the communication dated 01-11-2023. He submits that pursuant to such communication, the Director of Education has received a reply from the Ministry of Education, Department of School Education and Literacy of the Government of India dated 30-11-2023 which he places on record. Both these

correspondences are collectively marked as 'X' for the purpose of identification.

5. This clarification in substance, reads as follows:

"3. It is clarified that the NMMSS scheme guidelines do not indicate any specific percentage of aid provided to private schools. NMMSS scheme guidelines do not impose any restrictions or otherwise on the percentage of aid to private schools."

6. In view of such clarification extended by the Central government of India and since it is a scheme being sponsored by it and merely being implemented through the State government, the petition deserves to be allowed.

7. The petition is allowed. It is declared that the students studying in the petitioner - institution are entitled to derive the benefits of the National Means Cum Merit Scholarship.

8. Needless to state that those students who have already cleared that examination, they shall be disbursed the scholarship in accordance with the policy as expeditiously as possible.

[NEERAJ P. DHOTE]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/