

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

909 CIVIL APPLICATION NO.9275 OF 2023 IN WP/1341/2018

SHRI SHIVAJI VIDYA PRASARAK SANSTHAS L K DR. R. P. GHOGRE
SCIENCE COLLEGE DHULE THROUGH ITS PRINCIPAL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

WITH
CIVIL APPLICATION NO. 9274 OF 2023 IN WP/1342/2018

SHRI SHIVAJI VIDYA PRASARAK SANSTHAS BHAUSAHEB
N.S. PATIL ARTS V.P.F.M.A. COMMERCE COLLEGE, DHULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Hon Ashwin V. (in both CAs)
AGP for the respondent – State : Mr. A.A. Jagatkar
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 25 AUGUST 2023

PC :

Heard learned advocate for the petitioners as also learned
AGP.

2. By way of these applications, petitioners are making
following prayers :-

CA/9275/2023:

- A) *Grant this civil application and during pendency of the writ petition No. 1341 of 2018, grant stay to the operation, implementation and execution of the Government Resolutions dated 08.12.2017 and 15.12.2017 issued by the Social Welfare Department, Government of Maharashtra, Mantralaya, Mumbai and the respondents be restrained from withholding grants of the applicant college and also grant stay to the operation,*

implementation and execution of the communication/notice dated 25.9.2017, communication dated 18.12.2017 and communication dated 1.6.2023 issued by respondent No. 4 Assistant Commissioner, Social Welfare Department, Dhule, District Dhule.

- B) Pending the hearing and final disposal of this civil application grant stay to the operation, implementation and execution of the communication/notice dated 25.9.2017, communication dated 18.12.2017 and communication dated 1.6.2023 issued by the Assistant Commissioner, Social Welfare Department, Dhule, District Dhule and the respondents be restrained from taking any coercive action against the applicant in pursuance to the communication / notice dated 25.9.2017, communication dated 18.12.2017 and communication dated 1.6.2023 and the Government Resolution, as aforesaid, for withholding the grants of the petitioner college.*
- C) Ad-interim relief be granted in terms of prayer clause "B".*
- D) Any other just and equitable reliefs be granted in favour of the applicant.*

CA/9274/2023:

- A) Grant this civil application and during pendency of the writ petition No. 1342 of 2018, grant stay to the operation, implementation and execution of the Government Resolutions dated 08.12.2017 and 15.12.2017 issued by the Social Welfare Department, Government of Maharashtra, Mantralaya, Mumbai and the respondents be restrained from withholding grants of the applicant college and also grant stay to the operation, implementation and execution of the communication/notice dated 25.9.2017 and communication dated 18.12.2017 and communication dated 1.6.2023 issued by respondent No. 4 Assistant Commissioner, Social Welfare Department, Dhule, District Dhule.*
- B) Pending the hearing and final disposal of this civil application grant stay to the operation, implementation and execution of the communication / notice dated 25.9.2017 and communication dated 1.6.2023 issued by the Assistant Commissioner, Social Welfare Department, Dhule, District Dhule and the respondents be restrained from taking any coercive action against the applicant in pursuance to the communication / notice dated 25.9.2017, communication dated 1.6.2023 and the Government*

Resolution, as aforesaid, for withholding the grants of the petitioner college.

- C) *Ad-interim relief be granted in terms of prayer clause "B".*
- D) *Any other just and equitable reliefs be granted in favour of the applicant.*

3. The learned advocate for the petitioners submits that in fact, in similar matters writ petition no. 421 of 2018, 433 of 2018 and 434 of 2018 by order dated 11-01-2018, in similar set of facts, interim relief was granted not to make recoveries pursuant to the impugned communication till the next date. He submits that subsequently, these matters are tagged with those three matters. When the interim relief was extended on 03-05-2018, this Court merely directed interim order to continue only in those three writ petitions when it was the understanding that since all these matters raise a common issue and the interim relief granted in those three matters would also apply to the present two matters, no such specific direction was given in the order dated 03-05-2018 *albeit* in the title, names of even these two writ petitions were mentioned and same advocates were representing all the petitioners in all the matters.

4. Learned AGP, on instructions, submits that the narration of the learned advocate for the petitioners is the correct state-of-affairs.

5. Considering the above aspects, the interim relief granted in writ petition no. 421 of 2018, 433 of 2018 and 434 of 2018 will apply even to the present writ petitions.

6. Applications are disposed of.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/