

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

18 WRIT PETITION NO.10367 OF 2022
WITH WP/10641/2022 WITH WP/10540/2022

SHRI VASANTRAO NAIK VJNT ADARSH SHIKSHAN PRASARAK
MANDAL THROUGH ITS PRESIDENT
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...
AND

111 WRIT PETITION NO.166 OF 2022

LAL BAHADUR MAGAS SEVA MANDAL SUNDARWADI THR ITS
SECRETARY YOGESH MANIKARAO RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. V.D. Hon, senior advocate i/b Mr. A.V.
Hon and Mr. Vinod B Jadhav
AGP for Respondents: Mr. V.M. Kagne

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 30th JANUARY, 2023.**

PER COURT :-

1. The petitioners are identically placed. Therefore, the prayer put forth in the first petition to the extent of prayer clauses B, C and D, are reproduced as under:-

“B) Issue writ of mandamus or writ in the nature of mandamus to the respondents to forthwith sanction, release and pay the non-salary grant-in-aid (Building Rent & Maintenance Charges) to the Higher Secondary Ashram School/ Junior College attached to existing Primary & Secondary Ashram Schools being run by the petitioner, as per the Government Resolution dated 26.06.2008 and 17.09.2019 w.e.f. academic year 2012-2013, at par with the other Ashram Schools

mentioned in the Government Resolution dated 08.03.2019.

- C) Pending hearing and final disposal of this Writ Petition, the respondents may please be directed to forthwith sanction, release and pay the non-salary grant-in-aid (Building Rent & Maintenance Charges) to the Higher Secondary Ashram School / Junior College attached to existing Primary & Secondary Ashram Schools being run by the petitioner, as per the Government Resolution dated 26.06.2008 and 17.09.2019 w.e.f. academic year 2012-2013, at par with the other Ashram Schools mentioned in the Government Resolution dated 08.03.2019.
- D) Pending hearing and final disposal of the present writ petition, the respondents may kindly be directed to deposit the arrears of non-salary grants w.e.f. academic year 2012-2013 till today in this Hon'ble court, as per communication dated 17.03.2021 (Exhibit "I") of the petition."

2. We have considered the submissions of learned senior advocate on behalf of the petitioners and the learned A.G.P. on behalf of the respondents. It is undisputed that, in so far as the non salary grants are concerned, there has to be an inspection of the institution every year and depending upon the facilities and the criteria to be fulfilled, the non salary grants are released. It is equally undisputed that the non salary grants have got delayed with regard to 148 of the Higher Secondary Ashram Schools and Junior Colleges which are similarly situated. Out of 148 from V.J.N.T. category schools, the State Government issued Government Resolution dated 8.3.2019 releasing the salary grants of 94 institutions from the date they were delayed/unpaid.

3. The learned senior advocate has pointed out an order passed by this court (Coram: Prasanna B. Varale (as His Lordship then was) and S.M. Gavhane, JJ.) dated 13.8.2018, in **writ petition No. 15292 of 2017 filed by Dnyanodaya Vimukta Jati Shikshan Prasarak Mandal vs. State of Maharashtra and others**, wherein this Court had noted the interim order passed by Nagpur Bench on 13.04.2016 and directed 50% of the outstanding salary grants, to be released within four weeks.

4. We are informed that the inspection by the competent authority with regard to these petitioner institutions, has been carried out. The reports have been submitted to the Government. Depending upon the reports, the Government has to take a conscious decision for granting non salary grants of these institutions. A Government Resolution has been issued on 17.09.2019 pertaining to the remaining 47 institutions, which include these petitioners. The salary grants are approved only from the academic year 2019 onwards.

5 The grievance of these petitioners is that, vide the communication dated 17.3.2021, by Regional Deputy Commissioner, Social Welfare Division, Latur addressed to the Principal Secretary, V.J.N.T. Welfare department, Mantralaya, recommendations were made for releasing the non salary grants from the academic year 2012-13 till 2019-20, the Government cannot issue Government Resolution dated 17.9.2019 and restrict the non salary grants for the

academic year 2019-20.

6. It is an undisputed fact, that there has to be an annual inspection for continuance of the non salary grants which are payable after the institution complies with the necessary deficiencies/ requirements. We are of the view that when the reports of such inspection are with the Government, the Government has to quickly take a decision with regard to the eligibility of these petitioners for the payment of pending non salary grants. The delay in such decision, results in the accumulation of unpaid non salary grants which results in increasing the financial burden on the Government. If the inspection reports are already tendered to the competent authority, it is in the interest of the Government to take a quick decision and grant the unpaid non salary grants to the institutions, depending upon their eligibility. If any petitioner is held ineligible for any particular period, for the reasons to be assigned in writing, such aggrieved petitioner can approach the competent forum for seeking redressal of his grievance.

7. In view of the above, these petitions are disposed off. Since the learned A.G.P. submits that the decision on the claims of these petitioners in the light of the reports received, would be arrived at within 90 days, let such decision be announced by the competent authority on or before 30.04.2023.

8. Needless to state, if any of the petitioners are aggrieved by the

decision of the competent authority, they would be entitled to approach the competent forum for seeking redressal of their grievance.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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