

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.13652 OF 2021

PRASHANTKUMAR GOPICHAND PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Ms. Nayana Patil h/f Ms. S.P. Mahajan

AGP for Respondent/State Nos.1 to 4 : Mr. P.S. Patil

Advocate for Respondent Nos.5 and 6 : Mr. S.R. Kolhare

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**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 31st MARCH, 2023.**

PER COURT :-

1. The Petitioner claims appropriate pay scale and arrears of salary, which are available to the institutions receiving the salary grants. On 4th March, 2022, we had passed the following order :-

"1. The petitioner submits that a part of prayer clause (B) is satisfied. The grievance was that additional subject Hindi was granted on "permanent no grant basis". Since the word "permanent" has been deleted, the petitioner is satisfied to some extent.

2. Now the grievance that survives is that though the entire college and all faculties are on 100% grant in aid, the Government is not granting 100% grant for Hindi subject though the word "permanent" has been deleted.

3. The learned A.G.P. submits that a short affidavit-in-reply would be filed on behalf of respondent nos.1 to 4. Let such reply be filed on or before 23rd March, 2022.

4. List this petition in the 'urgent category' on 28th March, 2022."

2. The learned Advocate for the Petitioner submits, on instructions, that the State Government has already commenced sanctioning of salary grants in stages. 20% grant was initially released for the academic year 2020-2021. Vide communication dated 26th March, 2022, 40% grants were released which could be for the academic year 2021-2022. The further three stages would mean salary grants at the rates of 60%, 80% and 100%. The learned Advocate for the Petitioner places a chart of the salaries of the teaching staff (6 pages). Same is taken on record and marked as 'X-1'.

3. The learned A.G.P. submits that there is a huge financial burden on the State Government. Unless the finances are available, grants cannot be released. He prays that Writ of Mandamus should not be issued in such matters, as it would cause undue pressure on the State Government and funds earmarked for other purposes, will have to be diverted.

4. The learned advocate for the Petitioner points out the Government Resolution dated 27.6.2008, by which the Government of Maharashtra has decided to extend the salary grants to additional subjects. Though the said Government Resolution cannot be interpreted to mean that the Government has taken a decision to extend the salary grants to the Hindi subject in the Petitioner's school and junior college, it is contended that as the word "permanent" has

been deleted from the permission granted to the management to start the said school, the said school would become eligible for salary grants.

5. The learned advocate representing the management submits that the proposal of the management, praying for salary grants for the additional subject Hindi in the 11th and 12th standards, has been positively recommended by the Deputy Director of Education, Nashik to the Director of Education, Secondary and Higher Secondary, Maharashtra State, Pune. The Director of Education, Secondary and Higher Secondary, Pune has also written to the Additional Chief Secretary, School Education and Sports Department, vide communication dated 3.11.2018, proposing only salary grants to the Petitioner's school and junior college for the additional subject Hindi. No decision, as yet, has been taken despite the said communication.

6. In view of the above, this petition is disposed off. We direct Respondent No.1 to consider the recommendations dated 30.06.2018 and 19.11.2018, by the Deputy Director of Education, Nashik and Director of Secondary and Higher Secondary Education, Pune, respectively, and arrive at a decision on it's merits, preferably within 60 days from today. Needless to state, if the salary grants for Hindi subject are extended to the school/junior college, in which the Petitioner is working and undisputedly is a Hindi subject teacher, he

would be entitled for salary from salary grants to the extent that they are sanctioned by the Government of Maharashtra, proportionately.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

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