

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

973 WRIT PETITION NO. 569 OF 2020

Rural Foundation, at Nandurbar,
Tq. & District – Nandurbar,
Sanchalit, Rukhamabai Balika Ashram,
Sorapada, Tq. Akkalkuva,
District Nandurbar,
Through its : Chairman,
Prakash S/o Babu Patil,
Age 62 years, Occu. Chairman,
R/o. Nandurbar, Tq. & District Nandurbar

.. Petitioner

Versus

- 1] The State of Maharashtra,
Through its : Principal Secretary,
Women & Child Development Department,
Maharashtra State,
Mantralaya, Mumbai – 32
- 2] The Commissioner,
Women & Child Development,
Maharashtra State,
Pune, District Pune
- 3] The Divisional Deputy Commissioner,
Women & Child Development,
Nashik Division, Nashik,
District Nashik
- 4] The District Women & Child
Development Officer,
Nandurbar,
District Nandurbar

.. Respondents

...
Advocate for Petitioner : Mr. N.P. Patil Jamalpurkar
AGP for the respondent – State : Mr. S.B. Pulkundwar
...

**CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.**

DATE : 15 JUNE 2023

ORAL ORDER (MANGESH S. PATIL, J.) :

Learned advocate Mr. Jamalpurkar for the petitioner submits that in view of the stand being taken by the respondents in paragraph no. 14 of the affidavit in reply, the petitioner is ready to comply with the shortcomings and produce the record as is being sought to enable the authorities to consider its entitlement to get the grants.

2. Considering the fact that the petitioner has been running a child care home, obviously with the requisite licence and is now seeking the grants in the form of reimbursement of the expenditure incurred by it in running the child care home, the matter cannot be looked at as an adversarial litigation. If at all the petitioner is able to satisfy the respondent authorities about the actual running of the child care home and about having incurred the expenditure, it would always be open for the respondent authorities to consider the claim on its own merits and strictly in accordance with the government resolutions and law.

3. One such instance can be found wherein an opportunity was extended to a similar child care home to furnish the record to the authorities and the latter were called upon to consider and take a decision in writ petition no. 5811 of 2016 (***Jai Tuljabhavani Bahu Samajsevi Sanstha Vs. The State of Maharashtra and others***) and connected matters decided at the Principal Seat on 31-01-2017.

4. We dispose of the writ petition with following directions :

I) The petitioner shall approach the respondent no. 2 with fresh request and shall apply with the documents / record as is mentioned in paragraph no. 14 of the affidavit in reply. Any further shortcoming shall be communicated to the petitioner and an opportunity be extended to it to comply with those shortcomings.

II) On such compliance being made the respondent no. 2 shall take appropriate decision in accordance with law as to if the petitioner is entitled to any grant as is being claimed.

III) The decision shall be taken if the petitioner makes the complete compliance with the shortcomings within eight weeks from the date of compliance.

IV) If the decision is to be taken by the authorities in accordance with government resolution of the year 2016 requiring constitution of a committee, the decision should be accordingly taken in accordance with that government resolution.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

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