

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6567 OF 2021

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| 1. Balasaheb Bapuso Patil |] |
| 2. Krishna Rukmana Kadgaonkar |] |
| 3. Snehlata Balaso Patil |] |
| 4. Shivaji Maruti Huble |] |
| 5. Rahul Ramchandra Kumbhar |] |
| 6. Riyaz Ahmad Noormohammed Patel |] |
| 7. Sandip Narayan Chaluche |] |
| 8. Asha Suresh Patil |] |
| 9. Namdev Ishwar Patil |] |
| 10. Appaji Babu Patil |] |
| 11. Maruti Bawani Patil |] |
| 12. Brahmadeo Shikshan Sanstha |] .. Petitioners |

Vs.

- | | |
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| 1. The State of Maharashtra, |] |
| Vimukta Jati, Nomadic Tribes, Other Backward |] |
| Class and Special Backward Category Welfare |] |
| 2. The Director, |] |
| Vimukta Jati, Nomadic Tribes, Other Backward |] |
| Class and Special Backward Category Welfare |] |
| 3. The Assistant Commissioner, |] |
| Social Welfare, Kolhapur |] .. Respondents |

Mr. Chetan G. Patil for the Petitioners.

Mr. N.C. Walimbe, AGP for the Respondent-State.

CORAM : SUNIL B. SHUKRE &
FIRDOSH P. POONIWALLA, JJ

DATE : 3RD OCTOBER, 2023.

ORAL JUDGMENT : { Per Sunil B. Shukre, J. }

1. Heard. Rule. Rule made returnable forthwith by consent of the parties.
2. By the Appellate Authority's order, recognition of the school, which was cancelled, has been restored and it would only mean that the restoration of the recognition of the school has taken place from the date on which the cancellation of recognition order was passed. It would then follow that the respondent no.12 otherwise receiving grant-in-aid, would be eligible to receive the grant-in-aid during the period for which there was no stay granted by the Appellate Authority to the recognition cancellation order, subject to the condition that, in the interregnum, the school was functional. In the present case, the school was indeed functional in the interregnum. Therefore, there was no reason for the State to deny grant-in-aid to respondent no.12 for the said period.
3. It appears that the State is relying upon clause 3.6(iv) of Ashram Schools Code, which prescribes that if recognition of an Ashram School has been cancelled mid-term, the school would continue to be functional in the interest of its students but will not be eligible for receiving any grant-in-aid. In our considered opinion, the reliance so placed on the said provision is misplaced. This provision has been made in order to provide a practical solution to the difficulties of the students, which visit them after recognition of a school is cancelled in the middle of an academic session and in order to provide relief to such affected students, that it lays down that the school shall remain

operational for protecting interests of the students but, it shall not be entitled to receive any grant-in-aid. This provision has got nothing to do with the effect that takes place after an appeal filed by the school against the order of cancellation of recognition is allowed. Whenever such an appeal is allowed, it takes effect from the day on which cancellation of the recognition of the school was made, thereby indicating that the recognition of the school continued without any interruption. However, grant-in-aid is something which is also linked to the functionality of the school. The only requirement to be fulfilled in such a case would be that the school must continue functioning during the interregnum. In the present case, as we have already stated, the school was indeed functioning during the period when there was no stay granted by the Appellate Authority. That being so, the respondent no.12 would be entitled to receive the grant-in-aid for the period for which it has been withheld by the State.

4. In the result, the petition is allowed and we direct the respondent-State to release the grant-in-aid to respondent no.12 for such periods, as from 1st May 2017 to 10th August 2017, 1st March 2018 to 31st January 2019 and 1st May 2019 to 10th September 2019 with all consequential benefits, within a period of eight weeks from the date of the order.

5. Rule is made absolute in the above terms. No costs. Petition is disposed of.

[FIRDOSH P. POONIWALLA, J.]

[SUNIL B. SHUKRE, J.]