

JPP

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9311 OF 2022

The Secretary,
Aditya Educational Foundation and Anr. ... Petitioners

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Sanjay Koban for the Petitioners
Mr. N.K. Rajpurohit, AGP for the State - Respondents 1 to 4

***CORAM : NITIN JAMDAR &
MANJUSHA DESHPANDE, JJ.***

DATE : 11 SEPTEMBER 2023

P.C. :-

The Petitioner has sought a writ of mandamus to the Respondent – State to release the amount of Rs.26,14,227/- stated to be due towards Scholarship and Freeship.

2. The learned Counsel for the Petitioners points out that from the year 2011 onwards the Petitioners have duly received the Scholarship and Freeship amounts as are admissible to the Petitioners. Therefore, the grievance of the Petitioners is only in

respect of the academic year 2009-10 and 2010-11, which according to the Petitioners became due in the year 2011.

3. The Writ Petition is however filed in July 2022 for a simplicitor direction for return of the amount. It is settled position of law that for issuance of writ under Article 226 of the Constitution of India, the Court cannot overlook the mandate under the Limitation Act, 1963 for recovery of amount, which, in the present case would be of three years. Merely filing a periodical representations would not take away this facet. Therefore, we are not inclined to issue writ as sought for.

4. The Writ Petition is accordingly rejected.

MANJUSHA DESHPANDE, J.

NITIN JAMDAR, J.