



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

Writ Petition No.7316/2022

National Women Welfare Society's
Hajarat Abu Bakar Siddique Urdu High School,
Manbha, Tq. Karanja Lad, District Washim,
through its President,
Tausif-Ur-Rahman Khan s/o Ataur Raheman Khan,
aged 26 years, Occ- Business, R/o Katikpura,
Darwha, District Yavatmal.

..... Petitioner.

- Versus -

1. State of Maharashtra
through its Secretary,
Department School Education and Sports,
Mantralaya, Mumbai-32.
2. The Commissioner Education, Education
Commissionerate, Maharashtra State,
Central Building, Dr. Annie Basent Marg, Pune-411001.
educommoffice @gamil.com
3. The Directer of Education,
Secondary and Higher Secondary
Maharashtra State, Pune
4. The Deputy Director of Education,
Amravati Region, Amravati.
5. The Education (Secondary), Zilla Parishad,
Washim.

.... Respondents.

Mr. Mohammad Ateeque, Adv for petitioner.

Mr. N.S. Rao, AGP for respondents.

CORAM : AVINASH G GHAROTE &
URMILA JOSHI-PHALKE, JJ.
DATE : 14-09-2023

Oral Judgment (Per Avinash G Gharote, J.)

Heard Mr. Mohd. Ateeque, learned Counsel for the petitioner and Mr. Rao, learned AGP for the respondents.

2. **Rule.** Rule is made returnable forthwith.

3. The petition seeks to quash and set aside the order dated 15-09-22 (pg 146), whereby the claim of the petitioner for grant of 100% salary grants from 2012-13 has been rejected on the ground that the requirements in that regard have not been completed.

4. The deficiency claimed which is reflected from the report was the absence of the Overhead Projector and the LCD for the use of education to be imparted for the students.

5. Learned Counsel for the petitioner invites our attention to the communication dated 23-05-14 by the Block Education Officer, Panchayat Samiti Karanja (Lad) (Pg 68), which states that inspection has been made in the academic session 2015-16. In the inspection, it is mentioned that he has found Overhead Projector and LCD were being used by the students. Surprisingly, the communication also contains a statement that the said instruments, were also being used by the students for the academic Sessions 2010-11, 2011-12, 2012-13 and 2013-14 without specifying the basis on which such statement was

being made, it being an admitted position that the said person had never made any inspection of the petitioner school earlier in point of time. That apart, the communication also does not contain the date on which the Block Education Officer is supposed to have visited the school run by the petitioner, which clearly indicates that no credence can be placed upon this communication. Learned Counsel for the petitioner then relies upon the communication dated 06-01-14 by the Education Officer, Zilla Parishad (pg 69), which report also suffers from the same defect as indicted above. In fact, it contradicts the statement regarding use of the aforesaid instruments by recording that the earlier projector which has been purchased developed some defects and therefore new projector and LCD were purchased on 01-04-2012, however, no document has been produced on record to indicate such position rather on the contrary to substantiate the plea that the Overhead projector and LCD were been used, reliance is placed only upon the stock register which indicates date of purchase as 09-04-2010 and none else, which is clearly contrary to the claim putforth by the petitioner itself. It is, therefore, apparent that the report/communication dated 03-01-2014 also cannot be relied upon. He then relies upon an Annual Inspection Report for the academic year 2010-11 (pg 93) to contend that the Overhead Projector and LCD were used, however, a perusal of the report (pg 102), would indicate the sentence in this regard, clearly appears to have subsequently inserted. Similar is the position in respect of the Inspection Report for the academic session 2011-12 (pg 113), where also the same position is indicated. It would be therefore apparent that the petitioner is creating documents for the

purpose of claiming entitlement for grant in aid from the academic session 2012-13 without substantiating the satisfaction of the requirement in that regard.

6. That apart, it would be material to note that the grant in aid is not as a matter of right, rather it is based upon the discretion of the State and availability of funds as is indicated in the Government Resolution dated 15-11-2011 clause 11 (a) and (b) and to the satisfaction of necessary requirement regarding imparting the education to be fulfilled by the institution claiming grant. In that view of the matter, when the requirement in that regard is not satisfied, no entitlement can be claimed. We, therefore, do not see any merit in the petition, the same is dismissed. No costs.

7. Rule stands discharged.

JUDGE

JUDGE