



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

WRIT PETITION NO.811 of 2020

(Shri Sai School of Nursing, Armori (RANM), District Gadhiroli through its Secretary Dr. Amit Salve **V/s** The Union of India and others)

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. Anand Parchure, Advocate for petitioner.
 Ms. M.R.Chandurkar, Advocate for respondent no.1.
 Mr. N.S.Rao, AGP for respondent nos.2 and 3.
 Mr. A.V.Khare, Advocate for respondent no.4.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : MARCH 28, 2024

The challenge in the petition at the behest of the petitioner, Sai School of Nursing, Armori is to the communication dated 30th September, 2019 rendered by the respondent no.2 – Tribal Development Department. Vide said communication, the petitioner was informed that the students, who were taking education in the petitioner school, are not entitled for the separate grants towards mess and hostel expenses.

2. Mr. Parchure, learned counsel for the petitioner has questioned the aforesaid decision by relying on the policy decision dated 15th October, 2016 of the State Government so also the communication dated 12th September, 2019 issued by Deputy Director (School), Ministry of Tribal Affairs (Scholarship Division). According to him, the Central Government has admittedly giving the funds through the State Government to the students, who are either accommodated in the hostel or to such students, who are best scholars. He

would claim that the additional payment or benefit to be given to such students under the head of mess expenses and hostel expenses can be independently issued or released by the State Government, in view of the aforesaid communications. According to him, the issue is squarely covered by the Government decision dated 15th October, 2016 issued by the Tribal Development Department. So as to substantiate the said contention, he would claim that the State Government has directed that such students, who are taking higher education after 12th standard are entitled to monetary benefits to be deposited in the bank account towards mess, residential and dearness allowance as prescribed therein. As such he would claim that the students, who are taking education in the school of the petitioner are entitled for such benefit.

3. As against above, Mr. Rao, learned Assistant Government Pleader appearing for the respondent nos.2 and 3/State so also Ms. Chandurkar, learned counsel appearing for the Union of India submits that the policies of the Central Government and State Government are quite clear.

4. Whatever is the due and receivable by the students through the petitioner are already released i.e. Rs.820/- per month for hostellers and Rs.530 per month for desk Scholars. The amount of Rs.820/- per month paid to the hostellers included an amount of Rs.290/- payable towards the mess and hostel expenditure. It is further claimed that the G.R. dated 15th October, 2016 is relied on by the petitioner is not applicable to the case in hand. Apart from the

challenge raised to the locus of the petitioner to claim such relief based on G.R. dated 15th October, 2016.

5. We have appreciated the submissions.

6. The petitioner is not disputing that the amount of Rs.820/- and Rs. 530/- which is released to the State Government by the Central Government is duly received.

7. What is claimed by the petitioner is that the students who are taking education in the Nursing school run by the petitioner are entitled for the benefit under G.R. dated 15th October, 2016. If we appreciate the very scheme under G.R. dated 15th October, 2016, the amount is required to be deposited thereunder directly to the bank accounts of the students, who are taking higher education after 12th standard.

8. The petitioner is nowhere concerned with the benefit to be conferred under the said G.R., as the petitioner is neither a student nor can be said to be benefited under the said Government scheme.

9. That being so, the petition itself at the behest of the petitioner-school is not competent to be entertained.

10. Though, it is the contention of Mr. Parchure that the amount released to the students under the G.R. dated 15th October, 2016 is reimbursed by such students to the petitioner- institution, however, there is no element of agreement between the petitioner and the respondents to claim such benefit directly from the respondent-State Government or the Union of India.

11. Apart from above, the fact remains that in case if the benefit under the G.R. dated 15th October, 2016 is said to be admissible to the students, then in such eventuality, the students will be benefited twice which does not appear to be policy of the Central Government or State Government.

12. That being so, in our opinion, there is no substance in the petition and the same is dismissed. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)