



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

Writ Petition No.6177 of 2018

[Late B.N. Saoji Academy Society, through its Secretary Dr. Vina Saoji and another **VERSUS** The State of Maharashtra and others]

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

Court's or Judge's order

Shri Anand Parchure, Counsel for Petitioners.
Shri D.P. Thakre, Additional Government Pleader for Respondent Nos.1, 2 and 4.

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

DATE : 21st MARCH, 2024

1. The prayer made in this petition is for release of grant-in-aid in favour of the petitioners.
2. In the affidavit dated 14-11-2019, the respondent Nos.1 and 2 have stated as under :

“4. The answering respondents humbly submit that the proposal for granting, grant-in-aid to the “B” grade school was pending with the Social Justice Department, Mantralaya Mumbai. The said proposal was considered in Cabinet meeting dated 5.3.2019. In order to consider the proposal for providing grant-in-aid from State Exchequer to these 31 schools was need to verify therefore the Cabinet Sub-Committee is constituted vide Government Resolution dated 3.7.2019 under the Chairmanship of the then Hon’ble Minister, Social Justice Department, Mantralaya Mumbai. In the Government Resolution dated 3.7.2019, the name of petitioner’s school is incorporated for considering the grant-in-aid at Sr.No.2 of the schedule-A. The Sub-Committee constituted under the guidelines issued in the Government Resolution dated 3.7.2019 will verify the proposals of the petitioners and other schools and will take appropriate decision to that effect. The true copy of Government Resolution dated 3.7.2019 with schedule-A is annexed herewith and

marked as Annexure R-1 for kind perusal of this Hon'ble Court. In view of the fact that now the Sub-Committee is constituted the verification of proposals to grant grant-in-aid to the school will be considered and appropriate decision to that effect will be communicated to the petitioner."

3. In the aforesaid background, it is the contention of the learned counsel for the petitioners that in similar circumstances, this Court, while disposing of Writ Petition No.3051 of 2019 on 6-9-2021 in the matter of *Khateshawar Magasvargiya Bahuddeshiya Vyaysayik Shikshan Sanstha, Amravati Versus State of Maharashtra and others*, reported in 2022(2) Mh.L.J. 246, has made the following observations in Paragraphs 8, 9 and 10, which read thus :

"8. It would be clear from the above referred acts on the part of the State Government that while it does not make any policy which would be generally applicable to all the schools for being eligible to receive grants-in-aids from the State Government, inspite of directions issued by the coordinate Bench of this Court at Aurangabad on 2nd September, 2013 in Writ Petition No.10180/2012, and it also says that without there being any such policy in existence, special schools like the one involved in this petition could not be given any grants-in-aid, it intermittently and conveniently goes on a spree to sanction similar grants-in-aid to some different special schools. Such action of the State Government speaks of arbitrariness of high degree, which makes some special schools enjoy the largesse given to them by the Government and deprives other special schools of the same, and that too on the whims of the Government, in the name of special case and on the solemn promise of not repeating the act in future, which is observed in breach than it's keeping. This arbitrariness has been the cause of injustice to less fortunates like the petitioner and it deserves to be removed by this Court by invoking its

extraordinary jurisdiction under Article 226 of the Constitution of India. This is all the more so because respondent No.2 by its communication dated 3.6.2019 has sent a report for sanctioning of grants-in-aid to three schools run by the petitioner society.”

“9. In the result, the petition is allowed. We direct the State Government to examine the proposals of the petitioner society for sanctioning grants-in-aid to schools run by the petitioner society on the similar lines as the State Government has done while sanctioning the grants-in-aid under the Government Resolutions dated 8th April, 2015, 3rd July, 2019 and 17th September, 2019 and make them available the grants-in-aid, in accordance with law.”

“10. We further direct the State Government, by way of reiteration of the directions already issued by the coordinate Bench of this Court at Aurangabad on 2nd September, 2013 in Writ Petition No.10180/2012, to frame a policy for sanctioning grants-in-aid on permanent basis to the special schools run by different societies across State of Maharashtra within a period of six months from the date of the judgment. Rule accordingly.”

4. In the aforesaid background, we are of the view that similar directions can be issued in the case in hand, namely directing the respondent No.1-State Government to examine the proposal of the petitioners for grant-in-aid to the school run by them on similar lines as that of the one done in sanctioning the grant-in-aid by the Government Resolutions dated 8th April, 2015, 3rd July, 2019 and 17th September, 2019. We direct the respondent No.1- State Government accordingly to communicate the decision taken in relation to release of

grant-in-aid in favour of the petitioners within a period of eight weeks from today.

5. The petition stands disposed of accordingly. No costs.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

LANJEWAR