



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

931 CONT. PETITION NO. 384 OF 2023

Gulabchand Topaji Jadhav

....Petitioner

VERSUS

Secretary, General Administration
Department and Ors.

.....Respondents

.....

Mr. V. D. Hon h/f Mr. Sonkawade Amarsinha Dharmaraj, Advocate
for the Petitioner

Mrs. Uma S. Bhosale, AGP for the Respondents - State

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**CORAM : R. G. AVACHAT &
NEERAJ P. DHOTE, JJ.**

DATE : 29.01.2025

PER COURT :

1. This Contempt Petition is filed for non compliance of the order dated 30/01/2023 passed by this Court in Writ Petition No.10367/2022 with connected Writ Petitions.

2. The relevant Paragraphs of the said order are reproduced below :

“6. It is an undisputed fact, that there has to be an annual inspection for continuance of the non salary grants which are payable after the institution complies with the necessary deficiencies/ requirements. We are of the view that when the reports of such inspection are with the Government, the Government has to quickly take a decision with regard to the eligibility of these petitioners for the payment of pending non salary grants. The delay in such decision, results in the accumulation of unpaid non salary grants which results in increasing the financial burden on the Government. If the inspection reports are already tendered to the competent authority, it is in the interest of the Government to take a quick decision and grant the unpaid non salary grants to the institutions, depending upon their eligibility. If any petitioner is held ineligible for any particular period, for the reasons to be assigned in writing, such aggrieved petitioner can approach the competent forum for seeking redressal of his grievance.

7. In view of the above, these petitions are disposed off. Since the learned A.G.P. submits that the decision on the claims of these petitioners in the light of the reports received, would be arrived at within

90 days, let such decision be announced by the competent authority on or before 30.04.2023.

8. Needless to state, if any of the petitioners are aggrieved by the decision of the competent authority, they would be entitled to approach the competent forum for seeking redressal of their grievance.”

3. Learned Advocate for the Petitioner submits that, no reasons are given in the Government Resolution dated 30/05/2023 as to why the benefits of non salary grants from the year 2012-2013 to 2017-2018 were not granted to the Petitioner – Institution.

4. Learned A.G.P. for the Respondents – State submits that, appropriate decision as per the inspection report has been taken by the Competent Authority. She invited our attention to Paragraph Nos.5, 6 and 7 of the Affidavit-in-reply of Respondent No.7, which read thus:

“5. I say and submit that, these answering respondents have initiated the process of extending the benefit to the petitioner institutions as per G.R. dated 30.05.2023, the same will be extended to the petitioner institution in due course of time, the same submission may kindly be considered by this Hon’ble High Court. The copies of details of the compliance performed by the answering respondents as per provisions of G.R dated 30.05.2023 are annexed herewith and marked as **Exhibit R1 colly** for the reference.

6. I say and submit that, Petitioner institution prays to release and pay the non-salary grant-in-aid (Building Rent & Maintenance Charges) to the Higher Secondary Ashram School/Junior College attached to existing Primary & Secondary Ashram Schools being run by the petitioner, w.e.f. academic year 2012-2013. With respect to same it is submitted that,

As per recommendation of the said committee's meeting which was held on 13.06.2018, the petitioner institution's name which is on Serial No. 61 (score 113) was not recommended for further approval, due the following institution's name which is on Serial No. recommended for discrepancies and deficiencies observed by the committee even after completion of 10 years from the permission to run:

- 1) No laboratory in the school
- 2) No Library in the school
- 3) Roaster and Reservation policy was not maintained

As mentioned in the recommendation of the report submitted by the committee, all the 47 institutions mentioned in the point No.3 of the report, were given one chance to rectify their deficiencies and if the

deficiencies are not rectified within stipulated time period, then such ashram school is recommended to get derecognized.

As petitioner ashram school was falling within the category of 47 to be rectified institutions within stipulated time at Sr. No,61 with score of 113/155 it was a per-requisite condition of the petitioner institute to rectify the deficiencies first and hence G.R dated 28.03.2018 was issued. The copies of G.R dated 28.03.2018 and Committee's report dated 13.06.2018 is annexed herewith and marked as **Exhibit R2 collectively**.

7. It is further most respectfully submitted that, though the claim of the petitioner of demand of non-salary grants from the year 2012-13 till 2018-19 as the petitioner institution was not eligible for the said benefit and the same was accepted by this Hon'ble High Court in the order dated 30.01.2023, in its Point No.6 specifically which mentions in last part that:

“If the inspection reports are already tendered to the competent authority, it is in the interest of the Government to take a quick decision and grant the unpaid non salary grants to the institutions, depending upon their eligibility.”

Hence from the above directions it is clear that, the benefit of non-salary grants shall be extended after taking into consideration the reports submitted by the committee, depending upon their eligibility, hence the decision taken by the answering respondents vide G.R dated 30.05.2023 is valid and legal and has been taken after taking into consideration the reports submitted by the committee, the same submission may kindly be considered by this Hon'ble High Court.”

5. In view of the above, it is clear from the aforesaid order of which the Contempt is alleged that, the unpaid non salary grants to the institutions were depending upon their eligibility. The Government had taken the decision in that regard by issuing the said Government Resolution. It is also clear in the said order dated 30/01/2023 that, the Petitioner would be at liberty to approach the Competent Authority if aggrieved by the decision of the Competent Authority.

6. In view of the above, nothing survives in the Contempt Petition for further consideration and hence, the same stands disposed of.

[NEERAJ P. DHOTE, J.]

[R.G. AVACHAT, J.]