

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8064 OF 2022

Ambai Shikshan Prasarak Mandal

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

*Mr. Chetan G. Patil a/w. Mr. Prathamesh P Magadum & Ms. Siddheshwari
R. Chavan for the Petitioner.*

Mr. V.M. Mali, A.G.P. for the Respondents-State.

Coram : M. S. Karnik &
Sharmila U. Deshmukh, JJ.

Date : 24th September 2025.

P. C. :

1. Heard Mr. Patil, learned counsel for the Petitioner and Mr. Mali, learned A.G.P. for the Respondents-State.
2. It is the case of the Petitioner that, a Junior College is run by the Petitioner-Management, which is not in receipt of the grant-in-aid. The said college is running from the year 2003. It is the submission of the learned counsel for the Petitioner that after fulfilling the norms for

receiving the grant-in-aid the Petitioner's school approached the Education Officer for grant-in-aid. Accordingly, the Committee under the Chairmanship of the Education Officer (Secondary), Zilla Parishad, Kolhapur held the Petitioner to be eligible for receipt of grant-in-aid. As per the procedure, the proposal was forwarded to the Director of Education by the Deputy Director of Education. The Director of Education by a communication dated 2nd June 2021 held the Petitioner to be eligible for grant-in-aid.

3. An Affidavit-in-Reply has been filed by the Respondent-Assistant Director of Education, Kolhapur Region, Kolhapur, which was pointed out to us by the learned A.G.P. In the Affidavit, it is stated that grant-in-aid is neither a fundamental nor statutory right of the Educational Institutions. It is further stated in para No.10 that the Hon'ble Supreme Court in the case of *State of Orissa Vs. Aswini Kumar Dash*¹ observed that the Educational Institutions cannot claim grant-in-aid as a matter of right. It is a matter of policy which the State Government will decide looking to its financial capacity and other relevant circumstances.

4. Learned counsel for the Petitioner submits that in terms of the policy of the State Government, even those schools which had applied for grant-in-aid later in point of time than the Petitioner have been extended

1 (1998) 3 SCC 613

the facility of grant-in-aid. It is only the Petitioner who despite fulfilling all the norms and though held eligible by a Committee headed by the Educational Officer (Secondary) as well as the Director of Education is deprived of the grant-in-aid.

5. A representation dated 5th March 2021 has been addressed by the Petitioner to the Hon'ble Minister-School Education Department, Mantralaya, Mumbai.

6. Learned counsel for the Petitioner submits that a comprehensive representation will be submitted by the Petitioner to the Hon'ble Minister, Department of School Education within a period of two weeks from today along with relevant documents indicating that the Education Officer held the Petitioner to be eligible and also the recommendation of the Director of Education. We request the Hon'ble Minister or the concerned Secretary of the School Education Department, to look into the representation and take the same to its logical conclusion, in accordance with the policy of the State Government within a period of six weeks from the receipt thereof.

7. Keeping all contentions open, the Petition is disposed off.

[Sharmila U. Deshmukh, J.]

[M. S. Karnik, J.]

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