



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

WRIT PETITION NO.3672 OF 2019

Dilip s/o Manikrao Wasekar and another

.Vs.

State of Maharashtra and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. S.U. Nemade, Advocate for the petitioners.

Mr. S.M. Ghodeswar, AGP for respondent Nos.1 to 5/State.

Mr. N.S. Deshpande, DSGI for respondent Nos.6 and 7.

CORAM : NITIN W. SAMBRE AND

MRS. VRUSHALI V. JOSHI, JJ.

DATE : 08.04.2025

1. Heard.

2. The petitioners are claiming that they were shortlisted as beneficiaries under the policy framed by the respondent No.1/State in the Government Resolution dated 30.07.2015 whereby it was resolved by the State Government to provide 100% assistance in the matter of vehicles to be provided for the purpose of marketing of fish. According to the petitioners, since they are short-listed as the beneficiaries under the said policy dated 30.07.2015, the subsequent change in the policy vide Government Resolution dated 06.11.2018 is not sustainable and as such the following prayers are made:-

“i. Strike down the impugned Government Resolution dated 06.11.2018 (Annexure-A) issued by the respondent No.1-State of Maharashtra, Fishery Department, Mantralaya, Mumbai, upon holding and declaring it the total unjust, arbitrary, irrational, derogatory and unconstitutional, under the facts and circumstances of the present case and in the interest of justice and equality;

ii. Upon quashing and setting aside the impugned Government Resolution dated 06.11.2018 (Annexure-A) to direct the respondent No.1-State of Maharashtra, Fishery Department to enforce and implement its Government Resolution dated 30.07.2015 (Annexure-B) in its true and correct sense, under the facts and circumstances of the present case and in the interest of justice and equality;

iii. Direct the respondent No.6-Union of India, Ministry of Fisheries, New Delhi and the respondent No.7-National Fisheries Development Board, Hyderabad to grant and extend its 40% share in implementing the public policy decision pursuant to Government Resolution dated 30.07.2015 (annexure-B) at the earliest, if in case it is not already granted and extended, under the facts and circumstances of the present case and in the interest of justice and equality.

3. It appears that on 30.07.2015 it was decided by the State Government that providing of the vehicles for marketing of fish alongwith other accessories to the drought-affected small farmers, who are financially weak, by providing 100% grant. Out of the 100% grant, 40% was to be provided by the National Fisheries Development Board. It was decided that the scheme was to be implemented in the Vidarbha, Nagpur and Marathwada regions.

4. The petitioners' case is that they were duly selected as beneficiaries under the aforesaid policy. However, till date, the benefits under the aforesaid policy are not extended to the petitioners.

5. Since the National Fisheries Development Board (for short, "NFDB") has refused to provide the financial assistance as provided in the Government Resolution dated 30.07.2015, the State has framed a new policy as reflected in the Government Resolution dated 06.11.2018. In the said policy, it is provided that 90% aid shall be provided by the State Government with the funds available with the District Planning Committee and balance 10% share to be contributed by the beneficiaries like the petitioners.

6. According to counsel for the petitioners even if the petitioners were selected under the policy dated 30.07.2015, the benefits thereunder are not extended to the petitioners, for which the petitioners cannot be blamed and it is the State Government which created the situation for not implementing the policy dated 30.07.2015. According to the counsel for the petitioners, in such an eventuality either the respondents be directed to extend the benefits of the policy dated 30.07.2015 or the petitioners should be extended the benefits of the policy reflected in the Government Resolution dated 06.11.2018 as they are willing to contribute 10% share as provided therein.

7. At this stage, learned AGP for the State, when confronted, seeks time to file response to the above, as according to him, the petitioners' claim has to be considered in the light of policy dated 06.11.2018.

8. We are of the view that once the State Government has floated the policy dated 30.07.2015 and due to their own failure they have not implemented the said policy, it was for the State Government to resolve the said issue instead of keeping the fate of the petitioners hanging. In our opinion, when the petitioners are willing to show bonafides by depositing 10% of the total cost of the project as their

contribution, the claim of the petitioners as per policy reflected in the Government Resolution dated 06.11.2018 can be considered.

9. Since the respondents/State in view of the aforesaid change in policy the petitioners have volunteered to deposit 10% of their contribution as provided in the policy dated 06.11.2018, we deem it appropriate to dispose of the petition with following orders:-

(i) The petitioners to deposit their contribution of 10% within a period of eight weeks from today with the office of respondent No.4.

(ii) Once the said amount is deposited, the proposal shall be forwarded by the respondent No.4 to the respondent No.5 and the benefits must be extended to the petitioners in any case within a period of six weeks thereafter.

10. The Writ Petition accordingly stands disposed of.
No costs.

(MRS. VRUSHALI V. JOSHI, J)

(NITIN W. SAMBRE, J.)