



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 37 OF 2024
IN
WRIT PETITION NO. 6627 OF 2019

1. Gramvikas Shikshan Mandal,
Marwad, Tq. Amalner, District – Jalgaon.
Through It's President
2. Late Mansaram Tukaram Patil Arts College,
Marwad, Tq. Amalner, District – Jalgaon.
Through Principal ...Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary, Higher
& Technical Education Department,
Mantralaya, Mumbai 32.
2. The Directorate of Education,
Maharashtra State, Pune
Through The Director of Education,
Central Building, Pune – 411001.
3. Kavayitri Bahinabai Chaudhari North
Maharashtra University, Jalgaon
Through The Registrar ...Respondents

- Mr. M. M. Patil, Advocate for the Applicants
- Mr. Ruchir Wani, AGP for the Respondents/State

CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ
RESERVED ON : APRIL 29, 2026
PRONOUNCED ON : MAY 06, 2026

P.C.:

1. The Review Petitioners/Applicants seek review of order

dated 09.01.2024 passed by this Court in Writ Petition No. 6627/2019, whereby, Writ Petition has been dismissed.

2. The Petitioner No. 1 is an Education Society, which runs Petitioner No. 2 – Educational Institution. On 14.03.2001, Petitioner No. 2 was granted sanction to run first year of B.A. course. On 25.11.2003, sanction is accorded to run 2nd and 3rd year in graduation course for arts. On 06.01.2005, Respondent No. 1 accorded sanction to run special subjects with clog as “permanent non grant basis”. The Petitioners raised challenge to clog “permanent non grant basis” put in order dated 06.01.2005 on ground that it amounts to differential treatment. This Court rejected Writ Petition on ground of delay and laches of 13 years in approaching this Court.

3. Mr. Patil, learned Advocate appearing for Petitioners, submits that no reason was given as to why sanction to special subjects to be run by Petitioner No. 2 – Institution was granted on permanent non grant basis. Special subjects, for which clog of permanent non grant basis was clamped, were mandatory in degree course. Thus, differential treatment at the time of its sanction was given. He would submit that Division Bench of this Court at Nagpur in Writ Petition No. 4120/2019 interpreted term “permanent non grant basis” and held that it shall not be treated as denial of grant permanently, but it shall be subject to

consideration of grant-in-aid in accordance with State policy. However, due to order under review, Petitioners have given differential treatment. Similarly situated institutions are already treated as institutions on non grant basis (instead permanent non grant basis) by interpreting their sanctions in tune with interpretation adopted by this Court.

4. Mr. Wani, learned AGP appearing for State, would submit that no ground is made out for review.

5. Having considered submissions advanced, this Court find that Writ Petition was predominantly dismissed for reason of delay and laches in raising challenge to impugned order dated 06.01.2005, wherein, term “permanent non grant basis” has been incorporated while granting sanction B.A. degree course in favour of Petitioners. This Court has not considered merits of contentions. In this backdrop, reference can be given to observations of Division Bench of this Court in case of *Shri. Gajpal Udgave Trust and Others Vs. State of Maharashtra and Others* (Writ Petition No. 138/2003 decided on 08.04.2005), particularly, paragraph 6 which reads thus:

6. In other words, the expression “permanent o grant basis” used in the permission dated 2nd June 1999 does not mean denial of no grant permanently but subject to consideration of grant-in-aid in accordance with the law and the policy that may be formulated by the State Government on improvement of the States financial

condition and other relevant circumstances.

6. It appears that this Court has given interpretation to term “permanent no grant basis” and observed that it cannot be read as denial or no grant permanently but subject to consideration of grant-in-aid in accordance with law and policy of State Government on improvement of State’s financial condition along with other relevant circumstances.

7. In light of aforesaid interpretation adopted by this Court, we deem it fit to clarify that order under review shall not be impediment for Petitioners’ consideration for release of grant-in-aid in accordance with State’s policy. The order under review shall not be treated as clog on Petitioners’ right, if any, for consideration or release of grant-in-aid for special subjects of 2nd and 3rd year of degree course, which are accorded sanction under order dated 06.01.2005 issued by Respondent No. 1.

8. With aforesaid clarification, Review Application stands disposed of.

(S. G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J)

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