

*IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION*

WRIT PETITION NO. 5811 OF 2016

Jai Tuljabhavani Bahu Samajsevi Sanstha .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 2319 OF 2016

Maharashtra Shikshan Sanstha Akkalkot .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 2333 OF 2016

Shriram Krida Va Shikshan Prasarak Mandal Degaon .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 2346 OF 2016

Solapur Zilla Samajik Karya Samiti Solapur .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 2367 OF 2016

Solapur Zilla Magas Samaj Seva Va Sanshodhan

Sanstha, Solapur .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 2388 OF 2016

Dindalitthodharak Shri Santgadagebaba
Niradhar Balak Seva Sangh Trust .. Petitioner
Vs
The State of Maharashtra through
Principal Secretary & Ors. .. Respondent

WITH

WRIT PETITION NO. 2736 OF 2016

Habib Shikshan Prasarak Through
Its Chairman Shri. Jay Narayan R. Bhutada .. Petitioner
Vs
The State of Maharashtra through
Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 3012 OF 2016

Bodisatva Shaikshan Prasarak Va Bahuuddeshya
Samajsevi Sanstha, Solapur. .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 3013 OF 2016

Krushnamai Gramin Va Samajik Vikas and
Panlot Kshetra Vikas Sangh Solapur .. Petitioner
Vs

The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 3015 OF 2016

Jivajirao Shikshan Prasarak Mandal, Konhalli .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO. 3016 OF 2016

Shri Ganesh Shikshan Prasarak Mandal .. Petitioner
Vs
The State of Maharashtra & Ors. .. Respondent

WITH

WRIT PETITION NO. 3017 OF 2016

Rajiv Smirti Bahuddeshiya Sanstha Barshi .. Petitioner
through Chairman, Arun Barbole
Vs
The State of Maharashtra through .. Respondents
Principal Secretary & Ors.

WITH

WRIT PETITION NO. 3018 OF 2016

Navyug Shikshan Va Samajik Vikas ..Petitioner
Va Krida Mandal MHADA.
Vs
The State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO. 3019 OF 2016

Ganpati Naik Bahuuddeshiya Sanstha through .. Petitioner
Chairman, Shri Motiram Rathod .. Petitioner
Vs .. Respondents
The State of Maharashtra through Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 3020 OF 2016

Shivaji Gramvikas Mandal Khamgaon .. Petitioner
Vs .. Respondents
The State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO. 3021 OF 2016

Rashtra Jagruti Bahu. Mandal through Chairman, .. Petitioner
Shri Macchindra Nuste .. Petitioner
Vs .. Respondents
The State of Maharashtra through Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 3022 OF 2016

Dr. Babasaheb Ambedkar Bahuuddeshi Sanstha .. Petitioner
through Secretary, Shri V. S. Chandane .. Petitioner
Vs .. Respondents
The State of Maharashtra through Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 3023 OF 2016

Shri Raghvendra Krida Va

Shikshan Prasarak Mandal, Solapur .. Petitioner
Vs
The State of Maharashtra through Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 3052 OF 2016

Shri Mauli Bahuuddhishya Mahila Sanstha .. Petitioner
Vs
The State of Maharashtra through Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 6584 OF 2016

Shri Amogshiddha Shikshan Prasarak Mandal .. Petitioner
through Chairman Shri R. B. Patil
Vs
The State of Maharashtra through Principal Secretary & Ors. .. Respondents

WITH

WRIT PETITION NO. 12247 OF 2016

Bharat Mata Bhuudeshiya Sanstha, Barshi .. Petitioner
Vs
The State of Maharashtra through Principal Secretary of Women and Child Development .. Respondents

WITH

WRIT PETITION NO. 6210 OF 2016

New Banjara Krida Samajseva va Bahu. .. Petitioner
Shikshan Prasarak Mandal
Vs
The State of Maharashtra & Ors. .. Respondents

...

Mr. G. N. Salunkhe i/b. Mr. Umesh Kurund for the Petitioner in all writ petitions except WP No. 12247/16.

Mr. Sharad Tanaji Bhosale for the Petitioner in WP No. 12247/2016.

Mr. Manish Pabale, AGP for the Respondent/State.

*CORAM : A. S. OKA &
ANUJA PRABHUESSAI, JJ.*

DATE : 31 JANUARY, 2017.

P.C. :

1. The present petitions are filed by the Petitioners who are claiming to be Non-Government Organizations running Balgruhas in various parts of the State. The Petitioners are claiming to be Public Charitable Trusts registered under the Bombay Public Trusts Act 1950. According to their case, they are running Balgruhas for housing of juveniles-in-conflict with law. The Petitioners are relying upon the polices of the State Government of issuing grant-in-aid to the institutions run by them. It is claimed that in the past they have been granted grant-in-aid. In most of the petitions, a Writ of Mandamus is prayed for release of grant up to and inclusive of the year 2015-16.

2. The contention of the Petitioners is that unless the grant-in-

aid is released, the object of various schemes framed by the Government for giving effect to the Juvenile Justice (Care and Protection of Children) Act, 2000, will be frustrated. It is contended that the State Government has adopted a discriminatory approach by releasing the grants to selected institutions.

3. The learned AGP submitted that the State Government has undertaken task of reassessment/re-evaluation of all such Balgruhas which are total 963 in number in the State. The learned AGP submitted that 8 teams have been constituted to do the job of reassessment/re-evaluation. He submitted that some of the institutions have not submitted documents which were necessary for reassessment/re-evaluation. Based on a note submitted by the Deputy Commissioner (Child Development), the learned AGP stated that auditors have been appointed by the State Government after following the process of tender. He submitted that considering the magnitude of the task, the process of reassessment/re-evaluation of all such institutions may require time of about 1 year considering the fact that record of each institution will have to be perused and scrutinized.

4. No one can deny that the State Government has a right to make reassessment/re-evaluation of the institutions which are claiming the grant-in-aid as it is the duty of the State Government to ensure that the grant-in-aid released only to deserving and eligible institutions.

5. Considering the fact that the Petitioners are claiming to be running Balgruhas, if they are eligible to receive grant-in-aid, non-payment of grant-in-aid within a reasonable time may cause prejudice to the juveniles-in-conflict with law.

6. If reassessment / re-evaluation of the Petitioners or some of them is already completed, it is obvious that the State Government will not wait till the completion of outer limit of one year for the release of the grant-in-aid.

7. It is, therefore, necessary for the State Government to complete the entire process in a time bound schedule.

8. We are therefore dispose of these petitions by passing the following orders:

O R D E R

- i. If according to the Respondents, the Petitioners are required to produce certain documents for reassessment / re-evaluation of their prayer for release to grant-in-aid, the Respondents will issue written requisition to the Petitioners at the addresses mentioned in the cause title of the present petitions calling upon them to produce documents specified in the requisition. Such requisition, if any shall be issued within a period of one month from today. The Petitioners shall respond to the requisition within a period of one month from the date on which the requisition is received by them either by producing the documents or by submitting reasons in writing for their inability to produce the documents. The reassessment or re-evaluation of the cases of the Petitioners for release of grant-in-aid for the period of up to and inclusive of the financial year 2015-16 shall be completed as expeditiously as possible and in any event within a period of one year from today subject to Petitioners making compliance with the requisitions as set out above;

- ii. The decision taken regarding the release of grant-in-aid to the Petitioners shall be communicated to the Petitioners within a period of two weeks from the date on which the reassessment or re-evaluation is completed. Needless to add that if the Petitioners are found entitled to grant-in-aid, necessary amount shall be released by the Respondents as expeditiously as possible and in any event within a period of one month from the date on which a decision is taken holding the petitioners eligible for receiving the grant-in-aid;
- iii. We, however, make it clear that we have made no adjudication on the entitlement to the Petitioners to receive the grant-in-aid;
- iv. Petitions are disposed of on the above terms;
- v. All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI,J)

(A. S. OKA,J.)