

*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  
through Chairman, Arun Barbole

.. Petitioner

Vs

The State of Maharashtra through  
Principal Secretary & Ors.

.. Respondents

**WITH**

**WRIT PETITION NO. 3018 OF 2016**

Navyug Shikshan Va Samajik Vikas  
Va Krida Mandal MHADA.

..Petitioner

Vs

The State of Maharashtra & Ors.

.. Respondents

**WITH**

**WRIT PETITION NO. 3019 OF 2016**

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

**WITH**

**WRIT PETITION NO. 3020 OF 2016**

|                                   |               |
|-----------------------------------|---------------|
| Shivaji Gramvikas Mandal Khamgaon | .. Petitioner |
| Vs                                |               |
| The State of Maharashtra & Ors.   | .. Respondent |

**WITH**

**WRIT PETITION NO. 3021 OF 2016**

|   |               |
|---|---------------|
| Rashtra Jagruti Bahu. Mandal through Chairman,<br>Shri Macchindra Nuste | .. Petitioner |
| Vs  |               |
| The State of Maharashtra through<br>Principal Secretary & Ors.          | .. Respondent |

**WITH**

**WRIT PETITION NO. 3022 OF 2016**

|  |                |
|--|----------------|
| Dr. Babasaheb Ambedkar Bahuuddeshi Sanstha<br>through Secretary, Shri V. S. Chandane | .. Petitioner  |
| Vs   |                |
| The State of Maharashtra through<br>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  
through Chairman Shri R. B. Patil

.. Petitioner

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.  
Shikshan Prasarak Mandal

.. Petitioner

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 PRABHUDESSAI, 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 policies 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.)