APHC010193692025

IN THE HIGH COURT OF ANDHRA PRADESH AT AMARAVATI

Bench Sr.No:-29 [3552]

WRIT APPEAL NO: 450 of 2025

Union of India ...Appellant

Vs.

Bapuji Integrated Rural Development Society and others ...Respondents

****

Advocate for Appellant	:	Mr. Challa Dhanamjaya, Additional Solicitor General, appearing for Mr. Josyula Bhaskara Rao
Advocate(s) for Respondent(s)	:	Mr. D Krishna Murthy, GP for Social Welfare

CORAM : THE CHIEF JUSTICE DHIRAJ SINGH THAKUR
SRI JUSTICE CHALLA GUNARANJAN

DATE : 16th February, 2026

P C :

The present writ appeal has been preferred against the judgment and order, dated 03.12.2024 in WP.No.23837 of 2020.

2. The writ petition was allowed by the learned single Judge with a direction to the official respondents – appellant herein to process the claim of the petitioners and complete the sanction of grant-in-aid amount within a period of three months.

3. With a view to understand the backdrop in the light of which the present controversy has arisen, it is apt to reproduce the material facts briefly.

The 1st petitioner is a society which purports to work for upliftment of the families belonging to the Scheduled Tribes. It also claims to be running the 2nd petitioner school at Cheemalapadu village and imparting education to the children of the Scheduled Tribe families living in and around the school.

The Government of India, it is stated, had a scheme for purposes of giving grant-in-aid for such like NGOs in the field. The grant-in-aid was given continuously from the academic year 2000-2001 onwards till 2012-2013. Failure on the part of the official respondents in the writ petition to give the benefit of the grant-in-aid for the academic year 2013-14, gave rise to a cause of action to the petitioners to approach the learned single Judge by way of the aforesaid writ petition.

4. Pursuant to certain interim directions issued by the learned single Judge in the writ petition supra, the appellant herein passed a speaking order, dated 25.02.2021, rejecting the claim of the petitioner for grant-in-aid for the financial year 2013-14 on the ground that the same had become time barred w.e.f 01.04.2016. This was rejected in terms of the General Financial Rules, 2005.

5. At this stage it may be pertinent to refer to the General Financial Rules, 2005 which *inter alia* envisages under Rule 209 (6)(viii) that grant-in-aid may be sanctioned to meet the *bonafide* expenditure incurred not earlier than a year prior to the date of issue of sanction.

6. On this issue having been raised before us as to whether the petitioners had raised any claim for grant of benefit under the scheme in vogue within time, this Court by virtue of order, dated 16.12.2025, directed the concerned officer in the Ministry to file a short affidavit as regards the receipt of two communications, dated 22.05.2015 and 25.05.2015. These are the communications through which the petitioners claimed that they had sent the audit report as also annual reports which would be the basis for consideration for grant of the benefit of grant-in-aid to the 2nd petitioner institution.

7. Although the initial stand of the appellants was that no such communications had been received, yet, Mr Challa Dhanamjaya, learned Additional Solicitor General appearing for the Union of India, frankly admitted that the audit report as also the annual statements were in fact received under the two communications, dated 22.05.2015 and 25.05.2015 and, therefore, the rejection of the case of the petitioners for grant-in-aid would not attract the provisions of the General Financial Rules, 2005 and in particular Rule 209(6)(viii).

8. In those circumstances, it is stated that the case of the petitioners would be considered afresh for grant of the benefit if the petitioners satisfied all other conditions.

9. Mr. Jafar Malik, Deputy Secretary, Ministry of Tribal Affairs, Government of India is present in the Court and makes a statement that the case of the petitioners would be considered strictly in accordance with the relevant scheme not later than three months from today.

10. We may point out here that although in the earlier rejection order as also the stand reflected in the counter-affidavit filed on behalf of the Ministry an effort was made to suggest that the 2nd petitioner institution was not functional and this was based upon an inspection conducted by an independent inspection team engaged by the Ministry, yet the stand of the petitioners before us was that it was on account of the non payment of the grant-in-aid that the institution had to be closed and had nothing to do with the claim of the institution for the relevant financial year 2013-14. The report by independent agency, who had conducted the inspection in the year 2016, when the institution stood closed, as per the stand of the petitioners on account of non receipt of the requisite aid, may not itself be a basis or justification for denying to the petitioners the benefit for the financial year 2013-14.

11. The Writ Appeal is, accordingly, disposed of. No order as to costs. Miscellaneous applications pending, if any, shall stand closed.

DHIRAJ SINGH THAKUR, CJ

CHALLA GUNARANJAN, J

Vjl