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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2543 OF 2021

Vishwaniketan Trust & Ors. ...Petitioners
V/s.
Higher & Technical Education Deptt. & Ors. ...Respondents

WITH
WRIT PETITION (STAMP) NO.97149 OF 2020

Vishwaniketan Trust & Ors. ...Petitioners
V/s.
Higher & Technical Education Deptt. & Ors. ...Respondents

WITH
WRIT PETITION (STAMP) NO.302 OF 2021

The Association of the Managements
of Agriculture & Allied Colleges & Ors. ...Petitioners
V/s.
Higher & Technical Education Deptt. & Ors. ...Respondents

WITH
WRIT PETITION (STAMP) NO.304 OF 2021

The Association of the Managements
of Agriculture & Allied Colleges & Ors. ...Petitioners
V/s.
Higher & Technical Education Deptt. & Ors. ...Respondents

WITH
WRIT PETITION (STAMP) NO.1484 OF 2021

K.K. Wagh Education Society & Ors. ...Petitioners
V/s.
Higher & Technical Education Deptt. & Ors. ...Respondents

WITH

WRIT PETITION STAMP) NO.2504 OF 2021

Shri Sairaj Shikshan Pratishthan & Anr. ...Petitioners
V/s.
Higher & Technical Education Deptt. & Ors. ...Respondents

Ms.Chandana Salgaonkar i/b Mr.S.R. Waghmare for the Petitioners in Writ Petition No.2543 of 2021 and Writ Petition (Stamp) No.304 of 2021.

Mr.Atul Damale, Senior Counsel with Mr.S.R. Waghmare for the Petitioners in Writ Petition (Stamp) No.302 of 2021.

Mr.P.B. Shah with Ms.Gunjan Shah i/b Mr.S.R. Waghmare for the Petitioners in Writ Petition (Stamp) No.1484 of 2021 and Writ Petition (Stamp) No.97149 of 2020.

Mr.S.R. Waghmare for the Petitioners in Writ Petition (Stamp) No.2504 of 2021.

Mr.A.I. Patel, Addl. G.P. with Mr.N.K. Rajpurohit, AGP, Mr.N.C. Walimbe, AGP, Mrs.P.J. Gavhane, AGP, Mr.A.A. Alaspurkar, AGP and Ms.K.N. Solunke, AGP for the State – Respondents in the above Writ Petitions.

CORAM : R.D. DHANUKA &
ABHAY AHUJA, JJ.
DATE : 7TH OCTOBER, 2021.

P.C. :-

1. Pursuant to the order dated 27th September, 2021 passed by this Court, Mr.Patel, learned Additional Government Pleader states that 30% of the funds allotted for the year 2020-2021 amounting to Rs.436.15 crores has been already deposited on the MahaDBT portal however due to technical problem, the amount could not be withdrawn by the petitioners and others who are entitled

to receive this amount. He on instructions states that the petitioners and others shall be entitled to withdraw the said amount latest by one week from today. Statement made by the learned Additional Government Pleader is accepted as and by way of undertaking.

2. Insofar as the separate proposal amounting to Rs.293.00 crores is concerned, learned Additional Government Pleader states that the said proposal would be processed within ten weeks from the next date. It is made clear that the State Government will have to deposit the said amount on the MahaDBT portal not later than ten weeks from the next date.

3. We have perused the affidavit dated 4th October, 2021 filed by the State in Writ Petition (Stamp) No.302 of 2021 and more particularly para 5 stating that the State Government has sanctioned a sum of Rs.8.71 crores as reimbursement for Adivasi students of the petitioners and other professional courses. The said amount is deposited on the MahaDBT portal. Though the substantial amount have been distributed, the process of distributing remaining amount of the academic year 2018-19 till 2020-21 will be done. We grant four weeks time to comply with the statement made in paragraph 5 of the said affidavit.

4. Insofar as the statement made in paragraph 6 of the said affidavit in respect of the release of fund of Rs.25.00 crores is

concerned, it is stated that the said amount is deposited on MahaDBT portal and process of distributing is in process. We grant two weeks time to complete the process of distribution of the said amount.

5. Mr.Patel, learned Additional Government Pleader tenders a chart showing the amount allotted to each of the petitioners for the financial year 2018-19, 2019-20 and 2020-21, the amount disbursed till date and the amount of un-disbursed till date. The petitioners shall reconcile the said statement within one week from today and shall submit the statement showing the balance amount payable by the State Government to each of them by preparing a fresh chart and after taking into consideration the amount that would be available for distribution in the sum of Rs.436.15 crores.

6. The petitioners to make a statement insofar as the amount of Rs.293.00 crores is concerned on the next date. The petitioners to confirm and make a statement before this Court whether any amount that would be received on or before the next date out of the said amount of Rs.436.15 crores. The charts to be exchanged between the parties 48 hours in advance before the next date.

7. Insofar as the balance amount payable by the State Government to all these petitioners as reflected in the chart tendered today as on 6th October, 2021 is concerned, the State Government

shall complete the process of collecting the funds from the different departments to enable the State Government to release those funds to the petitioners and others as per their entitlement within eight weeks from today.

8. Stand over to 22nd October, 2021. To be placed first on board. Parties to act on the authenticated copy of this order.

9. The respondents who have not filed any affidavit in reply till date, they shall file within two weeks from today. Insofar as the issue of mapping raised by the petitioners in all these petitions as recorded in paragraph 3 of the order dated 23rd August, 2021 passed by this Court is concerned, Ms.Salgaonkar, learned counsel for the petitioners in Writ Petition No.2543 of 2021 and Writ Petition (Stamp) No.304 of 2021 states that the respondent has not completed the process of mapping. Mr.Patel, learned Additional Government Pleader states that he would issue necessary instructions in response to comply with the said process and would make appropriate statement before the next date.

(ABHAY AHUJA, J.)

(R.D. DHANUKA, J.)