



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

904 CIVIL APPLICATION NO. 6737 OF 2022 IN WP/3799/2022  
WITH CA/6738/2022 IN WP/3797/2022

Government of India  
Through its Ministry of Social Justice Empowerment  
Department of Social Justice and Empowerment .. Applicant  
Versus

1. Jeevan Rekha Pratishtan, Latur  
Through its President  
Vijaykumar Raghunathrao Yadav and others .. Respondents

...  
Mr. Ajay G. Talhar, ASGI for applicant (original respondent no.1)  
Mr. S.S.Jadhavar, Advocate for respondent no.1-original Petitioner  
Mr. S. G. Karlekar, Mr. A. R. Kale, AGPs for Respondents-State

...  
904 WRIT PETITION NO.3805 OF 2022  
WITH WP/3803/2022 WITH WP/4857/2022 WITH WP/3797/2022 WITH  
WP/3799/2022 WITH WP/3801/2022 WITH WP/3802/2022 WITH  
WP/3804/2022 WITH WP/4055/2022 WITH WP/4144/2022 WITH  
WP/4400/2022 WITH WP/4635/2022 WITH WP/5086/2022  
WITH CA/7152/2022 IN WP/4635/2022

DEEPSHOBHA SEVABHAVI SANSTHA THR ITS TREASURER SHRI  
RVI PRADEEP KHOMANE AND ANOTHER  
VERSUS  
THE UNION OF INDIA AND OTHERS

...  
Advocate for Petitioners : Ms. P. S. Talekar h/f.  
Talekar And Associates  
Advocate for Petitioners : Mr. V. D. Hon, Senior Advocate i/b.  
Mr. Chndrakant A. Jadhav and Mr. Ashvin V. Hon  
(in WP/4144, 4857 of 2022 and WP(Stamp)No.13176/2022)  
Mr. S. S. Jadhavar (in WP/3801, 4400/2022),  
Mr.S. S. Deshmukh (in WP/3803,3804,4055,/2022),  
Mr. C.A.Jadhav (in WP/4144/2022)  
Mr. S. S. Bhosale (in WP/5086/2022)  
ASG/Advocate for Respondent No.1 : Mr. Ajay G. Talhar  
AGP for Respondents – State : Mr. S. G. Karlekar  
Advocate for Respondent no.1: Mr. S.W.Munde (in WP/3801/2022)

907 WRIT PETITION NO.5046 OF 2022

VASANT BAHU SEVABHAVI SANSTHA SAVANDHANA THROUGH ITS  
PRESIDENT SHIVAJI DNYANOBA LAKDE AND OTEHRS  
VERSUS  
THE GOVERNMENT OF INDIA THROUGH ITS MINISTRY AND OTHERS

...  
Advocate for Petitioners : Bondar Uttam Bajirao

941 WRIT PETITION NO.5084 OF 2022

BRAMHA CHAITANYA PRASARAK BAHUUDDESHIYA SANSTHA  
THROUGH ITS MEMBER SANTOSH SHIVAJIRAO LOMTE  
VERSUS  
GOVERNMENT OF INDIA THROUGH ITS MINISTRY OF SOCIAL  
JUSTICE EMPOWERMENT AND OTHERS

...  
Advocate for Petitioner : Jadhavar Santosh S.

942 WRIT PETITION NO.5088 OF 2022

ASSOCIATION OF THE MANAGEMENTS OF UN-AIDED  
ENGINEERING COLLEGES MAH. AND OTHERS  
VERSUS  
UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

...  
Advocate for Petitioners : Mr. K. B. Khandare  
ASGfor Respondent No.1 (UoI): Mr. Aashish T. Jadhavar

WRIT PETITION NO. 5097 OF 2022

THE BHILDARI BAHUUDDESHIYA SANSTHA  
VERSUS  
THE GOVERNMENT OF INDIA THROUGH ITS SECRETARY AND  
ANOTHER

...  
Advocate for Petitioners : Mr. Madhav R. Mundhe

WRIT PETITION NO. 4839 OF 2022

SOCIAL SECURITY MISSION THROUGH ITS MEMBER  
SHESHRAO PANDURANG PATIL  
VERSUS  
THE GOVERNMENT OF INDIA THROUGH ITS SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. S. S. Jadhavar

WRIT PETITION NO. 5093 OF 2022

ASSOCIATION OF THE MANagements OF AGRICULTURE AND  
AGRICULTURE ALLIED COLLEGES AND OTHERS  
VERSUS  
THE GOVERNMENT OF INDIA THROUGH ITS SECRETARY AND OTHERS

...  
Advocate for Petitioners : Mr.V.D.Hon, Senior Advocate i/b.  
Mr. Ashvin V. Hon  
ASG for Respondent No.1 : Mr. M. A. Golegaonkar  
AGP for Respondents-State : Mr. S. G. Karlekar

...  
WRIT PETITION NO. 5094 OF 2022

SAMBHAJI RAJE MANAGEMENT SCIENCE COLLEGE  
VERSUS  
THE GOVERNMENT OF INDIA AND OTHERS

...  
Advocate for Petitioners : Mr. S. S. Jadhavar

...  
WRIT PETITION NO. 5095 OF 2022

SHRI. MOHATADEVISHIKSHAN SANSTHA  
VERSUS  
THE GOVERNMENT OF INDIA AND OTHERS

...  
Advocate for Petitioners : Mr. S. S. Jadhavar

...  
WRIT PETITION NO. 5096 OF 2022

AADARSHA SHIKSHAN SANSTHA THROUGH ITS PRESIDENT  
VERSUS  
THE GOVERNMENT OF INDIA AND OTHERS

...  
Advocate for Petitioners : Mr. S. B. Bhosale

...  
WRIT PETITION NO. 4832 OF 2022

ASSOCIATION OF THE MANAGEMENT OF POLYTECHNICS  
AND OTHERS  
VERSUS  
THE UNION OF INDIA AND OTHERS

...  
Advocate for Petitioners : Mr. N. B. Khandare

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**CORAM : R. D. DHANUKA &  
S. G. MEHARE, JJ.**

**DATE : 05-05-2022**

**PER COURT :-**

Not on board. Upon mentioning, taken on board.

2. In any of the petition/s, if there is any shortfall of court fees, shall be paid on or before the next date.

3. Matters which are already on board, learned counsel for the respondents appear before the Court and waives service of notice.

4. By these civil applications filed by the applicant - Government of India (original respondent no.1), the applicant seeks modification for vacating the orders dated 23.03.2022, 06.04.2022 and 18.04.2022 passed by this Court in the aforesaid Writ Petitions, on the ground that, the State Government has not given all the data of the students who are admitted in various institutions which is mandatory before allowing 60% contribution amount of the applicant.

5. We have perused the affidavit in reply dated 03.05.2022 filed by respondents no. 2 to 5 stating that the entire data of the beneficiaries right from the registration of the application up to final sanction is carried at the level of Assistant Commissioner, Social Welfare and said data being stored in MAHADBT is shared

with the Central Governments National Scholarship Portal (NSP) through an Application Program Interface (API) developed by NSP on directions of MoSJE, GoI. Till date the data of 4,13,660 applications registered on the MahaDBT portal has been shared with the above arrangement over NSP Portal. Out of which the verified payment files of 1,05,401 applications amounting to Rs.110.08 Crores have been shared through API with NSP portal till date. The State Government has annexed copy of the screen shot for data sharing status and the payment status taken from the NSP portal with Annexure "R-1" in the said affidavit.

6. It is further stated that, as communicated by MoSJE, Government of India vide their e-mail dated 18.04.2022 an amount pertaining to Central Share (of 60%) of Rs.68.01 Crore for 69,576 applications have been deposited by MoSJE, GoI into the student's Aadhar linked bank account as per the revised scheme guidelines of March 2021. In this regard, the MoSJE, GoI were seeking data from State Government regarding the application status of the colleges under petitioner institutions vide their letter dated 26.04.2022. Regarding this, the State has already conveyed the required information vide e-mail dated 26.04.2022 and the same has been sent vide the letter of Commissionerate. Social Welfare, Maharashtra State, Pune dated 27.04.2022 enclosing the required data.

7. In paragraph no.4 it is stated that the State Government's Social Justice and Special Assistance Department has verified, validated and sanctioned the applications registered on portal and have executed the bill generation process of their 40% share through its 'MahaDBT' portal to disburse Rs.302.90 Crores for 2,67,069 Scheduled Caste applications for the academic year 2021-22 by 31<sup>st</sup> March, 2022. It is submitted that, the bills amounting to Rs.302.90 Crores were submitted to treasury for availing the funds, accordingly the bill amount has been also deposited in the Centralized Pool Account for further payments through PFMS gateway. However, meanwhile it was found that, there had been technical issues in the PFMS registration for the said scheme at State level logins on PFMS portal for which the State has been co-ordinating the PFMS technical team since last week of March 2022. Eventually, in second week of April, 2022, it was reported by the technical team that few changes are to be initially executed at State level logins and then the PFMS technical team shall approve these changes in PFMS portal. But, the proposed changes to be done in PFMS portal at State level are of policy matter, hence the State Governments approval for executing the changes are necessary. Accordingly, now the State Government has issued their directions to Commissionerate of Social Welfare, Maharashtra State, Pune vide their letter dated

29.04.2022 to execute the necessary changes in the state level PFMS logins so as to resolve the issue at the earliest.

8. In the last paragraph of the affidavit-in-reply, they stated that the initial activities for executing changes in PFMS logins at State level have been initiated on 29.04.2022. However, considering holidays in the respective week the approval from PFMS technical team can be received only in upcoming week. Once the approval is availed from PFMS technical team, the actual disbursement is expected to be commenced within 10-12 days thereafter. In case of MahaDBT portal the disbursement process is done on First In First Out (FIFO) Basis, and no special priority is provided for conducting the disbursements of any special application preferences. Thus, they anticipate that the actual payments of the State Share (of 40%) will commence from second week of May 2022.

9. The statements made in the affidavit in reply dated 03.05.2022 are accepted.

10. It is, thus, clear that the State Government has downloaded the data from NSE Portal of the applicant - Union of India. The applicant - Union of India cannot be allowed to urge that no data is furnished by the State Government for releasing 60% contribution in the institutions.

11. By our earlier orders passed on 11.03.2022, 18.04.2022, and 25.04.2022 and 28.04.2022, this Court, after considering the similar arguments which are advanced by the applicant today, have already issued various directions and more particularly to break up the amount of the Rs. 63 Crore, more particularly shall indicate that as to how much amount has been directly paid or disbursed in the accounts of the students.

12. In our view, there is willful disregard to the orders passed by this Court by the Government of India. The civil applications filed by the applicant are accordingly dismissed.

13. The State Government has already prepared chart annexed with additional affidavit tendered across the bar today at page no. 238 and 239. Some of the Institutions, who are before this Court today, have not included the amount payable in the said chart. The chart is prepared by the State Government to the extent of 40% contribution without prejudice to the rights and contentions of the applicant - Union of India. The 60% balance contribution can be completed on that basis without prejudice.

14. In so far as calculation is concerned, the learned counsel appearing for the Institutions before this court today have agreed to communicate the amount payable to each of these petitioners to the learned counsel for the applicant - Union of India, within



one week from today.

15. The applicant- Union of India has accordingly directed to deposit 60 % of the amount without prejudice to the rights and contentions of both the parties in this court within three (3) weeks thereafter.

16. The petitioners shall be informed about such deposit by the applicant - Union of India in this court. The application for withdrawal of the appropriate amount would be taken up on the next date.

17. In the meanwhile, the scrutiny left, if any, be completed by the applicant - Union of India before the next date.

18. If there are any discrepancies in the data of the applicant - Union of India and the data submitted by the State Government, the State Government and the Union of India shall hold a joint meeting. Based on such joint calculation, this Court will consider such data while calculating for withdrawal of amount on the next date.

19. It is made clear that the institutions who have agreed to furnish the data in respect of 60% of the scholarship to be disbursed by the Central Government, out of Rs. 63 Crores deposited by the Central Government in the respective accounts of the students shall give credit of the amount paid to them by the

students.

20. The affidavit in reply, if any, by the Union of India shall be filed in advance before the next date.

21. It is made clear that no further time would be granted to file rejoinder, if any.

22. The State Government shall make efforts to verify the amount already deposited on the Portal according to the affidavit in reply dated 3<sup>rd</sup> March 2022 in the respective account of the Institutions before 31<sup>st</sup> May 2022.

23. Place these matters high on board on 04.07.2022.

( S. G. MEHARE )  
JUDGE

( R. D. DHANUKA )  
JUDGE

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