



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

925 WRIT PETITION NO.3797 OF 2022
WITH CA/6738/2022 IN WP/3797/2022
SAGAR BAHUUDDESHIYA SHIKSHAN SANSTHA, THR ITS
MEMBER VISHWAMBHAR SHRIRAM TANPURE
VERSUS

GOVERNMENT OF INDIA, THR. ITS MINISTRY OF SOCIAL
JUSTICE EMPOWERMENT AND OTHERS

WITH

CA/361/2023 IN WP/5088/2022 WITH CA/363/2023 IN
WP/4832/2022 WITH CA/362/2023 IN WP/5093/2022 WITH
WP/485/2023 WITH WP/3801/2022 WITH WP/3804/2022
WITH WP/3799/2022 WITH WP/3802/2022 WITH
WP/3803/2022 WITH WP/3805/2022 WITH WP/4055/2022
WITH WP/4144/2022 WITH WP/4400/2022 WITH
WP/4635/2022 WITH WP/4806/2022 WITH WP/4805/2022
WITH CA/6737/2022 IN WP/3799/2022 WITH WP/4832/2022
WITH WP/4839/2022 WITH WP/4856/2022 WITH
WP/4857/2022 WITH WP/5046/2022 WITH WP/5095/2022
WITH WP/5097/2022 WITH WP/5088/2022 WITH
WP/5084/2022 WITH WP/5094/2022 WITH CA/7152/2022 IN
WP/4635/2022 WITH WP/5093/2022 WITH WP/5086/2022
WITH WP/5096/2022 WITH WP/6259/2022 WITH
WP/6253/2022 WITH WP/10002/2022 WITH WP/9997/2022
WITH WP/10968/2022 WITH WP/10962/2022 WITH
WP/11092/2022 WITH WP/11073/2022 WITH WP/10526/2022
WITH WP/10525/2022 WITH WP/10527/2022 WITH
WP/10838/2022 WITH WP/11582/2022 WITH WP/12672/2022

WITH

WRIT PETITION NO.11792 OF 2022
SHIVPRATAP GRAM VIKAS MANDALS DNYANAI
NURSING SCHOOL THROUGH ITS PRESIDENT NILOBA
BHUJANGRAO MUNDHE

VERSUS

THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

WRIT PETITION NO.11802 OF 2022
SHRI KASHI SHIKSHAN PRASARAK MANDAL SAI NURSING SCHOOL
THROUGH PRESIDENT VINOD ARVINDRAO GAIKWAD
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

WRIT PETITION NO.11812 OF 2022
SHRI KASHI SHIKSHAN PRASARAK MANDALS CHAITANYA NURSING
SCHOOL THROUGH ITS DIRECTOR
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND
OTHERS

WRIT PETITION NO.11813 OF 2022
SHIVPRATAP GRAM VIKAS MANDALS DNYANAI INSTITUTE OF NURSING
SCHOOL THROUGH ITS PRESIDENT
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

WRIT PETITION NO.11817 OF 2022
SHIVPRATAP GRAM VIKAS MANDALS DNYANAI INSTITUTE OF NURSING
SCHOOL THROUGH ITS PRESIDENT
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

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WRIT PETITION NO.11819 OF 2022
SHRI KASHI SHIKSHAN PRASARAK MANDALS AURANGABAD SANCHALIT
SANT EKNATH INSTITUTE OF NURSING
VERSUS
THE UNION OF INDIA THROUGH ITS SECRETARY AND OTHERS

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Mr. T. M. Venjane, Mr. A. V. Hon, Ms Pradnya S. Talekar, Mr V. G. Kodale, Mr S. S. Jadhavar, Mr N. B. Khandare, Mr S. V. Deshmukh, Mr C. A. Jadhav, Mr D. S. Bagul, Mr R. R. Kazi, Mr U. B. Bondar and Mr S. B. Bhosale, Advocates for petitioners in respective petitions;
Mr S. G. Karlekar, A.G.P. for respondents/State in respective petitions;

Mr Anil Singh, Addl. S.G.I. a/w Mr S. W. Munde,
Ms Nikita N. Gore, Mr D. B. Gaikwad, Mr Bhushan Kulkarni, Mr B. M. Dhanure, Mr.R.R. Bangar, Standing Counsel for Union of India

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**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATED : 18th APRIL 2023

PER COURT : -

1. The learned ASGI submits that the orders passed by this court are in the petitions which are tendered by the managements, being aggrieved by clause 11.1 of the 'Post-matric Scholarships to the students belonging to the Scheduled Caste for studies in India (2020-21 to 2025-26)'. He points out that there

are about 54.66 lakh beneficiaries for the academic year 2021-22 who have been paid by the Direct Beneficiary Transfer (DBT) Portal. The scholarship amount of Rs. 4550.66 crores has been disbursed. In the State of Maharashtra, the total beneficiaries are 3,79,000 students, who are educated in 7406 institutions. Out of these total beneficiaries to the extent of the State of Maharashtra, Rs. 422.42 crores have been disbursed with regard to 2,17,149 beneficiaries.

2. He further submits that there are about 28 petitions before this court and the grievances raised are by 117 institutions, who claim to have admitted 8599 eligible students under the said scholarship. Due to the pendency of these petitions, the Union of India is apprehensive as to whether disbursement to the students whose institutions are not before the Court, would run counter to the orders of this court. Hence, the disbursement of such scholarship benefit to those students whose institutions are not before the court, has been withheld.

3. He further clarifies that around 5.5 lakh beneficiaries would be admitted in more than 7000 institutions in the academic year 2021-22 and 2022-23. He, therefore, prays that the orders passed by this court earlier, be restricted to the petitioners who are before the court. He further submits that those demand drafts which have expired by efflux of time after being filed in this Court, would be replaced by new ones and re-deposited in this

court by the last week of May. Since this court has earlier ordered the petitioners to move applications for withdrawal, the Union of India would respond to such applications as and when they are filed.

4. It is not in dispute that the above mentioned scheme operates with the Union of India devoting 60% of the funds towards such students and the State of Maharashtra contributes to the extent of 40%. An affidavit-in-reply has been filed by the State of Maharashtra by which 40% amount would be deposited in the DBT portal, which has an inbuilt mechanism of identifying an admitted eligible student who presses the concerned button so as to release the share of the State of Maharashtra to the respective eligible institutions, in which such students have been admitted.

5. The learned counsel for the petitioner submits that after the interim orders were passed, the amounts deposited by the Union of India are lying in the court. The learned ASG submits that if these petitioners tender Civil Applications for withdrawal, the Union of India would respond to the said applications as and when the situation arises.

6. The learned ASG, submits on instructions that the amounts would be disbursed to the students whose institutions are not before the court and if there is any dispute or grievance which

leads to such institutions approaching this court, appropriate orders can be passed by this court so as to safeguard the interests of the students as well as the institutions.

7. We deem it appropriate to record that these scholarship amounts/funds are not a bounty. The eligible students must get the benefit of the scholarship and the amounts eventually reach the institution in which such eligible students have been admitted and are undergoing the academic curriculum. We would permit the Union of India to disburse the amount to those students whose institutions are not before this court as on date, with the caution that if the amount is mis-utilized or if the students in whose accounts the amounts are deposited, exit from the course or drop out or flee with the money, the Union of India would have to come out with a mechanism to ensure that the institutions would not be made to suffer as the money never reached them. Needless to state, these observations would apply even to the State of Maharashtra, who would ensure that the students are properly identified with the Aadhaar related system or any other such system in vogue, while disbursing it's share to the eligible students.

8. With the above observations, we record that the orders passed by this court on 23rd March, 2022, 06th April, 2022, 05th May, 2022 would be restricted to the cases before us in these writ petitions.

9. The State Government is bound to deposit the 40% share in the DBT portal. We grant time to the State Government to deposit such amounts, upto the academic year 2022-23, within 3 weeks. The State Government shall give the data to the Union of India while depositing it's 40% amounts in the DBT portal. Similarly, those demand drafts tendered by the Union of India in this court which have expired, shall be replaced with the new demand drafts to be tendered in the court on or before 31st May, 2023.

10. List these petitions on 16th June, 2023 at 02:30 p.m., subject to seeking permission from the Hon'ble the Chief Justice of this Court to work on Saturday the 17th June, 2023, if the matter spills over.

[SANJAY A. DESHMUKH]
JUDGE

[RAVINDRA V. GHUGE]
JUDGE

SG Punde