IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.14933 OF 2017

Khandesh Bahuudeshiya Vidya
Prasarak Mandal, Jalgaon, Sanchlit -
View Animation Academy,
Shahada Taluka and District Dhule,
Through its Secretary ..Petitioner

Vs.

1] The State of Maharashtra,
Through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai

2] The Commissioner,
Social Welfare Department, Pune

3] The Commissioner,
Tribal Development Department,
Nashik

4] The Assistant Commissioner,
Social Welfare Department Pune.

5] The Social Welfare Officer, Dhule,
Taluka & District Dhule & Nandurbar

6] The Project Officer,
Nandurbar and Dhule ..Respondents

Mr.D.S.Bagul, Advocate for petitioner
Mr.R.S.Wani, AGP for respondent nos.1 to 5

CORAM : KISHORE C. SANT &
AJIT B. KADETHANKAR, JJ.
DATE : JUNE 29, 2026

JUDGMENT *(Per Ajit B. Kadethankar, J.)* :-

Rule. Rule made returnable forthwith. By consent of the parties, the matter is heard for final disposal.

2. The petitioner has filed this petition with the following substantive prayer:-

> *B) By way of an appropriate writ, order or direction in the like nature, the impugned order dated 30/6/2015 passed by the present Respondent 2 may kindly be quashed and set aside and the respondents be directed to disbursed the scholarship at the earliest.*

3. Mr. Bagul, learned counsel for the petitioner submits that the petitioner is an educational Institution entitled to undertake the programmes introduced by Yashwantrao Chavan Maharashtra Open University. The University introduced academic course for `Diploma in 2D Animation' which lasts for one year. That, the petitioner - Institution submitted a proposal to the University seeking recognition as a study centre for Programme of School of Continuing Education.

4. On 29.08.2013, the University was pleased to grant recognition to the petitioner – Institution. The petitioner – Institution accordingly enrolled students for the study programme. The

University even assigned Permanent Registration Number to the students. Needless to mention, grant of permanent registration number to a student confirms admission of such student. At this juncture, the petitioner – Institution was concerned about securing scholarship for the enrolled students.

5. Mr.Bagul submits that the Social Welfare Officer, Pune, vide his letter dated 5.12.2009 intimated that the students belonging to Scheduled Castes are entitled for scholarship irrespective that they were taking distance education in an Open University. Similarly, on 12.01.2010, the Assistant Secretary of Tribal Department, State of Maharashtra, clarified that the students taking distance education and belonging to Scheduled Tribes of whose annual income is less than Rs.1,08,000/- per annum are entitled for scholarship.

Accordingly, on 30.09.2013, the University sought information from the educational institutions as also the concerned tribal departments in respect of the students who were entitled for the scholarship.

6. Mr.Bagul’s further submission is that consequent to the letter dated 30.09.2013 issued by the University, the petitioner complied all the formalities including securing Login to the portal.

7. The grievance of the petitioner is that despite its compliance of all the official formalities and entitlement to get reimbursement for the scholarship, the respondent no.2 vide impugned order dated 30.06.2015, rejected the petitioner's proposal misinterpreting Government Resolutions dated 31.10.2010 and 02.08.2018. Feeling aggrieved thereby the petitioner is before this court.

8. The Writ Petition was filed in the year 2017. Today, when the matter is taken up for hearing, Mr.Bagul, learned counsel for the petitioner places on record a copy of the **order dated 29.04.2026 passed by this Court in Writ Petition No.14876 of 2017 (Khandesh Bahuuddeshiya Vidya Prasarak Mandal, Jalgaon, Through President Vs. The State of Maharashtra and others)**. Placing reliance on the said order, Mr. Bagul submits that the present petition also can be allowed on the similar lines. The order dated 29.04.2026 reads thus:-

> *1. The learned advocate for the petitioner, at the outset, seeks leave to correct title clause of the petition.*
> *2. Leave granted. Amendment be carried out forthwith.*
> *3. The petitioner educational institution has approached this Court seeking direction to the respondent authorities to sanction and*

release scholarship to the students, who are taking education in the petitioner's institution, for the course of 2D animation.

4. The petitioner's case is that the students taking education in 2D animation course are entitled to receive scholarship in view of Government Resolution dated 02.08.2011. Whereas, it is the stand of the Government in the said Government Resolution that 2D animation course is not included in group IV, therefore, no scholarship can be paid to such students.

5. The learned advocate for the petitioner relies upon the judgment delivered by this Court dated 02.02.2023 in a group of petitions including Writ Petition No.6347/2017 (Khandesh Bahuudeshiya Vidya Prasarak Mandal vs. The State of Maharashtra and others). This Court, by elaborate judgment, has held that the scheme of scholarship is applicable even to students taking education in 2D animation course. This Court has directed the Government to pay scholarship. In the said petition, challenge was to corrigendum Government Resolution dated 17.09.2014 correcting Government Resolution dated 30.08.2014.

6. The learned advocate for the petitioner thus submits that the issue is already covered by the above judgment of this Court and therefore, the petition deserves to be allowed.

7. The learned AGP opposes the petition. However, it is pointed out that earlier Writ Petition No.6347/2017 (supra) was dismissed by this Court. The matter was carried to the Hon'ble Supreme Court. The Hon'ble Supreme Court remanded the matter back and directed this Court to decide the matter afresh. It is

> *thereafter, the petition was taken up for final disposal and the judgment is passed.*
> *8. This Court finds that when already view is taken by this Court in Writ Petition No.6347/2017 (supra), there is no material pointed out to take any other view. Considering the above, the Writ Petition stands allowed. The respondents to release scholarship to the students taking education in 2D animation course in the petitioner institution. With this, the Writ Petition stands disposed of.*

9. Mr.Wani, learned AGP for respondent nos.1 to 5 has initially sought time to go through the contents of the order dated 29.04.2026 and to compare the facts of the case in hand. After going through, Mr.Wani, learned AGP fairly agrees that the order dated 29.04.2026 passed by this court in in Writ Petition No.14876 of 2017 (supra) squarely covers the present Writ Petition.

10. In view of the above, we deem it appropriate to allow the present Writ Petition. Hence, the following order:-

(i) The Writ Petition stands allowed.

(ii) The order dated 30.06.2015, passed by respondent no.2 (Exhibit “C” : page 21) is quashed and set aside.

(iii) The respondents – authorities shall verify each proposal of scholarship on its own merit and shall disburse the scholarship accordingly, if the proposal is not otherwise ineligible.

(iv) Suffice it to clarify that the course of `Diploma in 2D Animation' is held at par with those courses which are entitled for scholarship.

(v) Rule is made absolute accordingly.

[AJIT B. KADETHANKAR, J.] **[KISHORE C. SANT, J.]**

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