

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.8987 OF 2023
IN SMPIL/1/2018
WITH
CIVIL APPLICATION NO.14913 OF 2018
IN SMPIL/1/2018

THE REGISTRAR JUDICIAL HIGH COURT OF
JUDICATURE AT BOMBAY BENCH AT AURANGABAD
VERSUS
STATE OF MAHARASHTRA THR PRINCIPAL SECRETARY
AND OTHERS

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Amicus Curiae : Ms.Kulkarni Rashmi S., Advocate.
AGP for Respondents 1 to 5, 7 and 10/ *State* : Shri S.B. Yawalkar
Advocate for Respondents 6 and 8 : Shri Amardeep Naiknaware
i/by Shri D.N. Bankar Patil.

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CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 21st July, 2023

Per Court :-

1. The Civil Applications are filed in Suo Moto Public Interest Litigation No.1/2018. The PIL is with regard to the bad conditions of the schools, being operated by the local authorities like Zilla Parishad, Municipal Council, Municipal Corporation, etc.

2. Today, the learned Amicus has placed on record the

copy of the city edition 'DB Star' of daily Divya Marathi newspaper dated 20.07.2023. The same is taken on record and marked as "X-1" for identification.

3. From this news report, we understand that the particular school was included in the list of smart schools. This is situated at a place identified as Ajab Nagar, Nutan Colony, Aurangabad. Electricity supply has been disconnected for more than eighteen (18) months. About 40 students in kindergarten to the 4th standard, are studying in the said school. A photograph indicates that the students are sitting on the floor and in the surrounding, empty bottles of liquor (*Deshi Daru*) are found.

4. The learned Amicus, therefore, suggests that it is high time that the Court should take a serious note of this aspect and constitute a Committee at each district place to inspect such schools and submit their reports along with recommendations. It is suggested that the learned Principal District Judge of each district in the State of Maharashtra be made the Chairman of such Committee.

5. The learned AGP submits that the Suo Moto PIL is not an adversarial litigation. The Government is doing it's best to ensure that the schools are operated in the most appropriate

manner. In the event of any deficiency or shortcomings, the State would be bound to render fullest assistance in order to ensure that the students are not affected. The local authorities should also ensure that the schools are maintained as per the required standards and the education of the students should not be hampered.

6. Considering the grim situation and taking into account several orders passed by the High Court in various matters, we find that the submissions of the learned Amicus are justified. Things have come to such a stage that it is imminent and necessary to form such Committees, if future of these young children is to be safeguarded and given highest priority. If they are to be imparted proper education in proper surroundings, necessary steps will have to be taken, if the concerned authorities are failing in their duties. If the structural conditions of the schools are dilapidated, it would not only involve physical risk to these students, but a congenial atmosphere for imparting education would be missing.

7. In view of the above, we direct the constitution of the Committee in each district in the State of Maharashtra as under:-

(a) The learned Principal District Judge of each district, or his/her nominee who shall not be below the rank of District Judge-1, shall be the Chairperson of such committee. He/She would be at liberty to take assistance of the Registrar of the said Court.

(b) The District Collector of the concerned District shall nominate a person to represent the District Administration, not below the rank of the Deputy Collector posted at such district.

(c) The Education Officer (Secondary) in the Zilla Parishad shall be the member Secretary of the Committee.

(d) The Executive Engineer of the Public Works Department in the said district, shall be a member of the Committee since he would have the expertise for evaluation of the structural stability of such schools.

(e) The District Superintendent of Police of the concerned district or the Commissioner of Police, as the case may be, shall nominate a person, not below the rank of the Deputy Superintendent of Police/ Assistant Commissioner of Police, as a member of the said Committee.

8. The reason for including the representative of the

Police Administration is to ensure that if there is any issue of law and order and if it is noticed that the premises of the schools are being utilized for unethical, impermissible or offensive activities, the Police Authorities would initiate appropriate action against the wrong doers.

9. We expect the learned Principal District Judge/Nominee to immediately commence the activity of this Committee, as per the following directions :-

a] issue appropriate letters to the members of the Committee.

b] the District Collector and the Superintendent of Police/ the Commissioner of Police, as the case may be, shall nominate their representatives as directed above, by conveying the same to the learned Judge.

c] We expect the Committee to commence inspection of all such schools, which are operated by the local authorities such as the Zilla Parishad, Municipal Corporation, Municipal Council, Panchayat Samiti, etc..

d] The learned Judge is at liberty to resort to video recording of such schools and the expenditure of such activity would be borne by the District Administration. All expenses

incurred by the committee during the course of it's functioning or activity, shall be borne by the District Administration.

e] Let such committee submit a report of it's inspection along with suggestions/ recommendations to this Court, after 60 (sixty) days from today, within a period of 15 days.

10. In the event of any clarification being required, either by the Committee or any further orders being sought by the learned Amicus, liberty to circulate this matter.

11. With the above directions, **both the Civil Applications stand disposed off.**

12. We direct the learned Registrar (Judicial) of this Court to bring this order to the notice of each learned Principal District Judge in the State of Maharashtra.

13. List the Suo Moto PIL No.1/2018 on 05th October, 2023.

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(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)