

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

PUBLIC INTEREST LITIGATION NO. 109 OF 2011

Gopal Krishna Pujari .. Petitioner

Versus

The Union of India & Ors. .. Respondents

Mr. S.M. Sabrad a/w Vikram N. Walawalkar, Advocate for the petitioner

Mrs. Lata Patne a/w Vinod Joshi, Advocate for R. No. 1-UOI.

Mr. Vikas Mali, AGP for R. No. 2-State.

Mr. A. A. Kumbhakoni, Sr. Counsel i/b R. M. Pethe, for R. Nos. 5 to 7.

Mr. A. M. Kulkarni, Advocate for R. No. 10.

CORAM:-NARESH H. PATIL &
V. L. ACHLIYA, JJ.

DATED : -20/03/2015

P.C.

Heard learned counsel for the parties.

2 The petitioner, an ex-employee of respondent No. 6 College has raised certain issues in respect of alleged illegal appointment of one principal in the year 1993, payment of Rs.5000/- by a student, recovery of Rs.100/- from each students by the college administration, appointment of some staff members etc. An

affidavit in reply has been filed on behalf of respondent No. 5 by Shri Srikrishna Nilkanth Kanetkar, Secretary of the Deccan Education Society. The petitioner has filed an affidavit-in-rejoinder. Both the parties have extensively dealt with the allegations made against each other.

3 The learned counsel for the petitioner placed on record a three member committee report submitted by three member committee appointed by the University, is taken on record. We have perused th same. The learned counsel for the petitioner submits that in spite of the report submitted, the University has failed to take any action against responsible persons manning the administration of respondent No. 6.

4 Mr. Kumbhakoni, the learned Senior Counsel appearing for the respondent No. 6 submits that in case the person having a locus desires to initiate any proceedings against functioning of the trust or society alternate forums are available which are providing efficacious reliefs. Looking to the facts of the case, the learned counsel submitted that the Public Interest Litigation (PIL) need not be entertained at the behest of an ex-

employee of the institution.

5 We have perused the record placed before us. We are of the *prima facie* view that the issues raised by an ex-employee of the institution need not be gone into in the PIL filed by the petitioner. So far as the issue concerning the appointment of a principal prior to 25 years back and issue concerning service conditions of some of the employees could not be a subject matter of PIL. We do not find a larger public interest involved in the issues raised by the petitioner herein. If at all the grievance has substance then there are other alternate forums where a person having locus could raise these issues. Any how some report submitted by by three members committee, is placed on record. It is for the University or any other agency to look into this report. We do not express any opinion on the merits of the report submitted by three members committee. At the same time we would expect the administration of respondent No. 6 to introspect in respect of the issues raised in the report submitted by the three members committee and take remedial steps in the larger interest of the administration of the trust and society. The sole purpose of the

educational institution shall be to maintain the high standard of education and to serve the students community at large.

6 With these observations, the PIL stands disposed of.

7 The amount of Rs.25,000/- deposited by the petitioner with the registry, shall be deposited with the High Court Legal Services Committee.

(V. L. ACHLIYA, J.)

(NARESH H. PATIL, J.)

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