

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

PUBLIC INTEREST LITIGATION NO. 71 OF 2014

Shri Ramesh s/o Sahadeo Patil & others .vs. The State of Maharashtra & others

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Mr. P.S. Sahare, Advocate for petitioners,
Mrs. B.H. Dangre, G.P. for respondent nos. 1, 2, 4 & 5.
Mrs. I.L. Bodade, Advocate for respondent no.3,
Mr. R.O. Chhabra, Advocate for respondent no.7,
Mr. A.B. Moon, Advocate for respondent nos. 8 & 9,
Mrs. T.D. Khade, Advocate for respondent no.10.

CORAM : B.R. GAVAI & PRASANNA B. VARALE, JJ.

DATED : AUGUST 27, 2015.

The petition has been filed wherein one of the prayers is to declare that the permission granted by the respondent nos. 3 & 4 to the respondent no.8 is bad in law.

It is the claim of the petitioners that the respondent no.8 school is not having basic facilities like play ground, parking place, drinking water, toilet, etc. It is also the contention of the petitioners that certain constructions made by the petitioners are unauthorized and illegal and, therefore, the Nagpur Improvement Trust has taken steps for demolition of the same. It is further the contention that the school of the respondent no.8 is not complying with the requirement as provided in the guidelines under the Right to Education Act, 2009.

In the reply filed on behalf of the Education Officer, it is categorically stated that when the school was visited on

9.1.2015 for inspection by the responsible officer, it was found that sufficient class rooms are available. It was also found that separate rooms for library and laboratory were available and rented play ground was available. It was further found that the facilities for drinking water, toilets were also available and the compound wall was also constructed. The affidavit states that certain deficiencies in facilities were noticed which are required to be complied with as per the norms of the R.T.E. Act.

In the affidavit filed on behalf of the respondent nos. 8 & 9, it is submitted that the said school is running from the year 1984. Certain averments are made in the reply that one of the petitioners has himself erected an unauthorized construction and one of the petitioners has given no objection for running the school.

In so far as the contention regarding unauthorized construction is concerned, Shri A.B. Moon, learned Counsel for the said respondent nos. 8 & 9, categorically submits that application for regularization of the said construction is already made to the NIT way back in 2000. Shri Chhabra, learned Counsel for the NIT, also endorses the contention regarding the application being made for regularization of the construction. He, however, submits that during the pendency of the present petition, the said application could not be considered.

From the perusal of the affidavit and reply filed on behalf of the Education Officer, it would reveal that the contention of the petitioner that there are not even basic facilities available is far away from truth. In so far as the contention regarding the facilities being not provided as per the provisions of R.T.E. Act is concerned, the school made

operational in 1984 cannot be expected to conform to the requirements of 2009 Act in an over-night. Apart from that, in one Public Interest Litigation, a statement is made by the State Government that in so far as the existing schools are concerned, R.T.E. norms would be required to be fulfilled in a phased manner.

In that view of the matter, there is no merit in the petition. It is rejected.

Judge

Judge

J.