

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

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

Court's or Judge's orders

PUBLIC INTEREST LITIGATION NO.30 OF 2016
WITH
CIVIL APPLICATION NO.2083/2016
IN
PIL NO.30/2016

RASHTRIYA VYAVSAYIK SHIKSHAN PRAGATI
SANGHATAN MAHARASHTRA RAJYA THROUGH ITS
SECR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr.Talekar S.B.
GP for Respondents/State: Mr.A.B. Girase.

...

CORAM : S.S. SHINDE & P.R. BORA, JJ.

Dated: FEBRUARY 22, 2016

...

By order dated 16th February, 2016, Registry was asked to place the papers of PIL NO.36 of 2015 along with this matter. In view of the note prepared by the Registry, the Special Bench was constituted to hear and decide the PIL No.36/2015. Therefore, the papers of the said PIL are called only for reference.

2 Heard learned Counsel or the petitioner and learned Government Pleader appearing for the State. This public interest litigation has been filed by the Association of the Management of the Recognized Institutions. The learned Counsel for the petitioner submits that, some of the petitions have been entertained at the Nagpur Bench wherein, notices are issued and by way of ad interim orders, until further orders, it is directed that, if the State deserves to conduct any inquiry against the institutions, the same shall be done by the Officers of either Social Welfare Department or Tribal Development Department. Therefore, learned Counsel for the petitioner submits that, since the subject matter is similar, in the present PIL also same order deserves to be passed as is passed by the coordinate Bench of the High Court. He further invited our attention to the grounds taken in the PIL, annexures thereto and submits that the PIL deserves to be admitted.

3 On the other hand, learned Government Pleader, vehemently opposed the prayer in the PIL and submits that the institutions before the Nagpur Bench filed writ petitions in individual capacity and in those petitions orders have been passed. He further submits that PIL on behalf of the institutions who have their individual interests cannot be said to have filed this petition in the

public interest.

4 We have heard learned Counsel for the petitioner and learned Government Pleader for the Respondents / State. With their able assistance, perused the pleadings in the petition, annexes thereto and the order passed by this Court at Nagpur Bench. It is case of the petitioner that, the petitioner association represents 136 recognized institutions and in order avoid multiplicity of filing petitions, this PIL has been filed on behalf of the association of the said institutions. In our *prima facie* opinion, individual interest of the institutions who are members of the petitioner association is involved in the matter and this petition cannot be treated as public interest litigation. The Court has to distinguish between public and private / individual interest of the concerned institution. Upon considering the material placed on record, as already observed, *prima facie*, we are of the opinion that, individual interest of the institutions are involved and therefore, this petition cannot be entertained as public interest litigation at the instance of the members of the association.

5 For the reasons aforesaid, we are not inclined to entertain this petition as public interest litigation. However, disposal of this PIL should not be construed as an impediment for

filing/presenting individual petitions by the members of the association like the petitions filed at Nagpur Bench.

6 With the above observations, PIL stands disposed of.

Consequently, civil application also stands disposed of.

(P.R. BORA, J)

(S.S. SHINDE, J)

kadam/