

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4565 OF 2007
WITH WP/1304/2008

CHHATRAPATI SHRI SHAHU TECHNICAL INSTITUTE AND COLLEGE AURANGABAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. S S Shete
AGP for Respondents: Mr. S.B. Pulkundwar.
Advocate for respondent No.4 : Mr. S.B. Gastgar.

CORAM : S.V. GANGAPURWALA
& K.K. SONAWANE, JJ.
DATE : 13TH JUNE , 2016.

PER COURT:

1] Rule. Rule made returnable forthwith. Heard finally by consent of parties. We have heard Mr. Shete, Advocate For the petitioner, Mr. Gastgar for respondent No.4 and the learned AGP for respondent Nos. 1 to 3.

2] It is not disputed that the petitioner is a public trust. According to the petitioner, Right to Information Act, is not applicable to it. Reliance is placed on the judgment of the Apex Court in the matter of ***“Thallappalam Cooperative Bank Limited and others Vs. State of Kerala and others.” (2013) 16 SCC 82.*** According to the petitioner, the petitioner does not qualify the test of State or Instrumentality of the State or Public Authority. It is not controlled by the State.

3] Mr. Gastagar, Advocate submits that petitioner institution is registered under the provisions of Societies Registration Act and Bombay Public Trust Act. It is supervised by the authorities of the State and as such, comes within the definition of public authority.

4] We have considered the submissions. Petitioner had specifically made statement in the appeal before the appellate forum that the petitioner institution does not receive any grant in aid from the Government at the relevant time. As, at the relevant time, the petitioner was not financed by the Government nor controlled by the Government, the judgment in the case of “Thallappalam Service Coop. Bank” (cited supra) would apply. As such, as at the relevant time, the petitioner could not have come within the ambit of Right to Information Act. Hence, the impugned order is quashed and set aside. Rule made absolute accordingly with no orders as to costs.

[K.K. SONWANE]
JUDGE

[S.V. GANGAPURWALA]
JUDGE.

grt/-