

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5628 OF 2008

- 1) The Association of Managements
of Unaided Engineering
Colleges (Maharashtra)
through its President
Amrutdham, Panchvati, Nashik
- 2) Hi-Tech Institute of Technology,
Bajaj Nagar, Aurangabad.

...PETITIONERS

VERSUS

- 1) The State of Maharashtra
through Department of Technical
Education, Mantralaya, Mumbai
- 2) The Joint Director,
Technical Education,
Divisional Office,
Nasik.

...RESPONDENTS

...

Mr. S.P. Shah, Advocate for Petitioners.
Mr. V.H. Dighe, A.G.P. for Respondent
Nos. 1 & 2.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 10TH MARCH, 2016

ORDER :

1. The Petition is filed by the Association of Managements of Unaided Engineering Colleges (Maharashtra) through its President, seeking a declaration that the provisions of Right to Information Act are not applicable to the Petitioners.

2. Whether the provisions of Right to Information Act are applicable or not will depend upon the facts of each and every matter and the status of the institution from whom the information is sought. A blanket declaration cannot be made. The criteria for applicability of the Right to Information Act as laid down by the Apex Court in the Case of **Thalappalam Ser. Co-op. Bank Ltd. & Ors. Vs. State of Kerala & Ors., Reported in 2014 (1) All M.R. Page 451 (S.C.)** is that the said institution has to be substantially financed by the appropriate Government and the

supervision has to be substantial of the appropriate Government and not a mere supervision or regulation by a Statute or otherwise. While coming to the said conclusion, the facts of each and every institution will be required to be considered. The same would not be possible in the present Petition.

3. In light of the above, we dispose of the Writ Petition. The members of the Petitioners Association would be at liberty to take up the issue as and when occasion arises. Writ Petition accordingly disposed of. Rule disposed of. No costs.

[A.I.S.CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]