

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION NO. 6 OF 2016

Salauddin Ansari. ... Petitioner.
V/s.
The State of Maharashtra and others. ... Respondents.

Syed Asif Abbas Naqvi for the petitioner.

D.P.Yagnik, APP with M.J.Joshi, APP for respondent Nos.1,3, 5, 6 & 7.

D.P.Singh for the Union of India.

S.S.Deshmukh with S.V.Chaugule for respondent No.11.

Ms.Anita Castelino with Bruno Castellino for respondent Nos.1, 2 and 15.

Ms.Lochan Chandka i/b. Swapana Kode for respondent Nos.16 & 17.

**CORAM : DR.MANJULA CHELLUR, C.J.
AND M.S.SONAK, J.**

DATE : 7th October 2016.

PC. :

We have gone through the averments made in the petition. According to the petitioner, several documents obtained by the petitioner under the Right to Information Act so far as Mr.Manik Thosare and Ms.Deepali Kulkarni, arrayed as respondent Nos.16 and 17 in this

petition, clearly indicate that they were not entitled to obtain awards conferred on them namely Shiv Chhatrapati Award, 2008 and Vishesh Vetan Vadh since they obtained such awards based on false certificates with regard to their age so also their position in the sports events in which they were conferred the awards. The learned APP appearing for the respondent- State, on instructions, submits that an enquiry was initiated based on the complaint of the petitioner but it could not be proceeded further on account of deficit of documents furnished by the petitioner. Therefore, they called for further documents and, now, the said documents are furnished and the enquiry, which is pending before respondent No.5, the Principal Secretary, Education and Sports Department, Government of Maharashtra, will be proceeded further.

2. It is needless to state that in order to confer an award the criterion must have been fixed by the authorities concerned and the consequential benefits will be given to those persons upon whom awards are conferred provided they are entitled to get the award and the consequential benefits. The grievance raised by the petitioner is that the basic age proof and certificate with regard to the sports events based upon which the awards were conferred were wrongly considered and respondent Nos.16 and 17 were not entitled to the said conferment of the awards and, therefore, the awards have to be withdrawn.

3. This petition is in the nature of public interest litigation. The concerned authority is already seized of the matter and the enquiry is under progress. We are not the expert body to examine and opine

whether respondent Nos.16 and 17 were entitled to the awards and the consequential benefits. There seems to be murmur with regard to the truth in the said allegations. According to the petitioner, in the initial enquiry held on their complaint it was not totally denied by the authorities. Therefore, it is at the stage of further enquiry. Looking to the details furnished and the documents upon which the awards were conferred, the concerned authority can go into the same and conclude whether there was any justification in conferment of awards and other consequential benefits. After such exercise is undertaken by the concerned authority, depending upon the outcome of such exercise, it would be open to the petitioner to make further challenge. However, at this stage, we are of the opinion, it is purely a premature stage to express our opinion in this matter.

4. Accordingly, petition is disposed of with direction to respondent No.5 to make a detailed enquiry in this matter. It is needless to state that the procedure should not be lagged principles of natural justice affording an opportunity of hearing to the parties concerned. The entire exercise shall be completed within a period of four months from today.

(M.S. SONAK, J)

CHIEF JUSTICE

Sanjay Nanoskar, P.S..