

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

Public Interest Litigation No.69 of 2015

Dr. Jagannath s/o Shamrao Patil. .. **Petitioner.**

Versus

The Union of India & Others. .. **Respondents.**

Shri. A.N. Irpatgire, Advocate, for petitioner.

Shri. S.B. Deshpande, Standing Counsel, for Union of India.

Shri. A.B. Girase, Government Pleader, for respondent Nos.2 to 4.

**Coram: Dr. MANJULA CHELLUR, CJ &
R.M. BORDE, J.**

Date : 29 June 2017

ORDER:

1) The petitioner is before this Court espousing the grievance that Marathi medium schools have the criterion of satisfying the master plan procedure whereas English medium schools need not comply with the procedure contemplated in the master plan. He refers to certain information given under the Right to Information

Act with regard to the number of English medium schools and also the number of Marathi medium schools.

2) As a policy decision language of the State is promoted in every State including State of Maharashtra. Whenever there is demand for Marathi medium school the State will permit to start such school provided the criterion or the bench mark is complied with. They have better financial aid facility if it is Marathi medium school when compared to English medium school. However, subsequent to the Right of Children to Free and Compulsory Education Act, 2009 irrespective of the medium of instructions every one has to abide by the statute and every State has to frame rules in consonance with the Act. So far as the statute and the rules are concerned, there is no discrimination between English medium school and Marathi medium school. In that view of the matter if any institution or person has grievance of such discrimination they are always at liberty to approach the Court and seek redressal of their grievances. We cannot entertain this public interest litigation on the statistics furnished and the contentions raised by the

petitioner that the State administration is discriminating between Marathi medium school and English medium school. Number of schools to be opened would depend upon population of the area and availability of the school. So far as the education policy having regard to the fundamental right to education under the statute in question is concerned, the State is under an obligation to establish school and encourage establishment of school by extending financial assistance whenever it is necessary and required. With these observations the petition is disposed of.

3) Out of Rs.75,000/- deposited by the petitioner to show his bona fides espousing the cause as a public interest, Rs.65,000/- shall be refunded to the petitioner and Rs.10,000/- shall be given to the High Court Bar Association for the development of the library.

Sd/-
(R.M. BORDE, J.)

Sd/-
(CHIEF JUSTICE)

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