

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

13 PUBLIC INTEREST LITIGATION NO. 154 OF 2014

SANJAY RAMCHANDRA KAMBLE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Jadhavar Santosh S.
AGP for Respondents: Mr. S.G. Karlekar
...

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**
DATE : 31.07.2017

P.C. :-

. After having heard both sides, we do not see how a Public Interest Litigation at the instance of a party like the petitioner can be entertained.

2. We do not see any reason for the petitioner coming to this Court and complaining that Girls Hostel at Kallam and where the girl child of Scheduled Tribe category were housed, has been closed. Now the arrangements are being made at Osmanabad. The essential challenge is that this Hostel is shifted from Kallam to Shendi, Taluka Akole, District Ahmednagar.

3. Later on, it was stated that the same be shifted to Osmanabad. During the course of arguments, it was reported that there

is an existing Girls Hostel at Osmanabad and the infrastructure is in place, therefore, it was not necessary for the girls to be shifted to Shendi (Bhandardara), Taluka Akole, District Ahmednagar, they will be shifted from Kallam to Osmanabad.

4. On the earlier occasion, we had enquired from Mr. Karlkear, the learned A.G.P. as to whether the Girls Hostel at Osmanabad is fully functional and Kallam girls can be accommodated there. The girls from Girls Hostel Kallam should not be forced to go to the Government Hostel at Shendi (Bhandardara) Taluka Akole, District Ahmednagar.

5. On instructions, Mr. Karlekar informs that there is a fully functional Girl's Hostel at Osmanabad. The girl students and particularly the Tribals from Kallam would be shifted to Osmanabad Government Girls Hostel, the entire infrastructure therein is available and for housing the girl child.

6. In such circumstances, we accept the statements made in the affidavit in reply. Once the Girls Hostel at Kallam is not functional, then, the petitioner's grievance cannot be entertained.

7. It is indeed unfortunate that, in such a matter and at the instance of such a litigant, this Court was persuaded to pass an order on

16.12.2014, directing status quo as on the date to be maintained. The net result of all this is, though, there are no admissions now to the Girls Hostel at Kallam, on account of the status quo order, the Kallam Girls Hostel is functioning and putting a burden on the state exchequer. It is informed that in this year there have been no admissions from Kallam and all the admissions are from Osmanabad and none would like to therefore travel from Osmanabad to Kallam when there is a fully functional Government Girls Hostel at Osmanabad. Once the Tribal girls are accommodated at Osmanabad, we see no reason for the Kallam Girls Hostel to function or the Government incurring unnecessary expenditure on the same. Needles therefore to clarify that we dispose of this petition, we vacate the status order.

[MANGESH S. PATIL, J.]

[S.C. DHARMADHIKARI, J.]