

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

26 WRIT PETITION NO. 11410 OF 2018

ARUNA ASAFALI MAHILA MANDAL THROUGH PRESIDENT
AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.S.Thombre, Advocate for Petitioners.
Mr. D.R.Kale, AGP for Respondents-State.
Mr. K.B.Jadhavar, Advocate for Respondent No.4.

...

AND

33 WRIT PETITION NO. 11451 OF 2018

MANJRA PARISAR SEVABHAVI SANSTHA THROUGH
PRESIDENT MURLIDHAR BAPURAO BANGAR AND ORS
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Mr. S.S.Thombre, Advocate for Petitioners.
Mrs. V.N.Patil-Jadhav, AGP for Respondents-State.

...

AND

WRIT PETITION NO. 11498 OF 2018

SHUBHASNEHA SHIKSHAN SANSTHA THROUGH
PRESIDENT & ORS.
VERSUS
THE STATE OF MAHARASHTRA AND ORS

...

Mr. S.S.Thombre, Advocate for Petitioners.
Mr. D.R.Kale, AGP for Respondents-State.

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**CORAM : R.M.BORDE AND
MANGESH S. PATIL, JJ.**

DATE : 15.10.2018

PER COURT :-

1. The issue raised in the instant petitions is no more *res integra* and is covered by the decision rendered by the

Division Bench in Public Interest Litigation No.18 of 2012 Brijmohan Dhirajprasad Mishra Vs. State of Maharashtra and others, decided on 25.09.2018 and as such the instant petitions can also be conveniently disposed of in terms of the directions issued in the above referred PIL.

2. In paragraph No.12 to 15 the Division Bench has directed as quoted below :

“12. Today only show cause notices are issued to the petitioners filing independent writ petitions and the intervenors. The explanation is sought from these institutions. The respondent authorities are duty bound to consider the explanation given by the petitioners and also the orders passed in the present Public Interest Litigations from time to time or also the judgment of the Division Bench of this court in Writ Petition No.4168 of 2012 dated 24.10.2013. All these aspects will have to be considered by the State Government while deciding the show cause notices and arrive at a conscious conclusion of the institutions garnering inadmissible financial benefits or otherwise.

13. This court can not stall the criminal law being set into motion if the State finds that the institutions have defaulted and erred in extracting inadmissible financial benefits. If at all the decision is taken by the State after considering the explanation and still the parties are aggrieved the remedy is open for them to assail the action of the State.

14. *It appears that the State Government and its superior authorities have issued communications to the Education Officers to lodge the criminal cases, the same will have to be read to mean against the erring institutions and not as a matter of policy against each and every institution. Naturally, the authority while taking the decision upon the show cause notices will consider the explanation given by the petitioners, the records and the orders passed by this court in Public Interest Litigations and also Writ Petition No. 4168 of 2012 dated 24.10.2013, and then take a conscious decision upon it.*

15. *As the show cause notices issued by the respondents are not finally decided we refrain from commenting upon the merits of the same. As the State has initiated further course of action the purpose of the Public Interest Litigations also does not survive. We expect the State to take decision on the show cause notices expeditiously.”*

3. The Writ petitions are thus disposed of in terms of the aforesaid directions.

(MANGESH S. PATIL, J.)

(R.M.BORDE, J.)

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vmk/-