

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

PUBLIC INTEREST LITIGATION [L] NO.42 OF 2017

Sapan Shrivastava Petitioner
Vs.
South Indian English School & Others Respondents

Mr. Sapan Shrivastava, the Petitioner, in-person,
present.

Mr. Sandeep B. Naik for Respondent No.1.

Ms Tanvi Kamat i/by Mr. Mandar Limaye for
Respondent No.3.

Ms P.P. Shinde, APP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : JANUARY 25, 2018

P.C:

1. We have heard the PIL petitioner in-person.
2. His grievance is that the first respondent is operating an illegal school with more than thousand students and that the Department of Education and the other respondents who are the Competent Authorities under the Right of Children to Free and

Compulsory Education Act, 2009, have turned a deaf year and not taking cognizance even when punishable offences are committed. He sets out the sections in prayer clause (b) of the PIL.

3. It is apparent from the reading of this PIL and hearing the petitioner in-person that his essential grievance is that despite approaching the police machinery, no FIR has been registered or the criminal law set in motion. If the petitioner has this grievance and particularly against the police machinery, then, nothing prevents him from approaching the Competent Criminal Court and filing a private complaint. The Competent Criminal Court has all the powers and it can call for a report of investigation from the concerned police station and direct an FIR to be registered in the event any cognizable offence is committed. Once a complete mechanism is available of approaching the police station and if it does not take any notice of the grievance, then, the Competent Criminal Court. We are not obliged to entertain the PIL. It is disposed of.

4. The petitioner can also approach the Competent Authorities against the breaches and violations of the Right of Children to Free and Compulsory Education Act, 2009, if any, committed by the first respondent. If the Competent Authorities do not take the necessary steps, then the petitioner can always approach a higher Court against such inaction or negligence. Presently, the petitioner is at liberty to approach the Competent Authorities.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)