

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

CIVIL APPLICATION NO.152 OF 2018

IN

PIL NO.5 OF 2016

(Courts on its own Motion vs.The Union of India & Ors)

 Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

 Mr.S.P. Bhandarkar, Advocate – Amicus Curiae.
 Ms. Mughda R. Chandurkar for Respondent No.1.
 Mr. Anand Parchure, Senior Counsel for Respondent No.10.
 Mr. Sudhir M. Puranik for Respondent No.13
 Mr. M.G. Bhangde, Senior Counsel with Mr. Rahul
 Bhangde for Bhartiya Vidya Bhavan.

CORAM : B.R. GAVAI &
M. G. GIRATKAR, JJ.

DATE : 14.3.2018

1] Shri Bhangde, learned Senior Counsel appears on behalf of Bhartiya Vidya Bhawan pursuant to the notice issued by this Court vide order dated 24/1/2018.

2] It appears that, the Court noticed that a student, aged about 16 years, had died in an accident which took place on 18/1/2018 near Hislop College. As per the news report, the said student was of Bhartiya Vidya Bhawan.

3] Division Bench, while issuing the notice, had observed that, had the Committee

looking into the controversy involved in PIL taken due cognizance of Court orders, perhaps unfortunate accident could have been avoided. Division Bench found that, till date no Head Master or Principal of a School or any Coaching Class has been taken to task for permitting such riders to enter the School/Coaching Class on legally impermissible motor vehicles.

4] The Committee consisting of various stake holders which has been appointed by this Court is already looking into the issue. Unless the Committee makes specific recommendations and which recommendations are accepted by this Court and translated into orders, it may not be possible to hold any of the Principals responsible for violation of the directions issued by this Court.

5] In any case, an affidavit has been filed on behalf of noticee – Bhartitya Vidya Bhawan that it has taken steps to ensure that, the students who are not having requisite license should not be permitted to use the vehicles which are having capacity of more than 50 CC. It has also been stated in the affidavit that, the parents-teachers meetings have been conducted, so as to

impress upon the parents that they should not permit their children to use vehicles of more than 50 CC, unless they have requisite license.

6] The question that we ask to ourselves is, as to whether if parents of students, in violation of law, permit them to use the vehicles, can the Principals of Schools/Colleges be held personally responsible for such an act. It will be beyond human capacity of Principals of Schools/Colleges to control the parking of vehicles in the School/College premises.

7] In any case, we find that since the Committee appointed by the Court is already seized of the matter, once the recommendations are made and accepted by this Court and directions are issued, Principals of Schools/Colleges would be bound to comply with such directions. We are further satisfied with the steps taken by Bhartiya Vidya Bhawan for addressing the concern expressed by this Court. As such, notice issued to Bhartiya Vidya Bhawan stands discharged.

JUDGE

JUDGE