

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

7 PUBLIC INTEREST LITIGATION NO.138 OF 2014

SOMNATH KANTILAL MUNDE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Shri A.V. Patil Indrale h/f
Shri Dhobale Satish P.

AGP for Respondent nos.1 to 3: Shri S.G. Karlekar

Advocate for Respondent no.4 : Shri U.B. Bondar

Advocate for Respondent nos.5 & 6 : Shri V.D. Gunale

**CORAM: PRADEEP NANDRAJOG, CJ &
R.G. AVACHAT, J.**

DATE: 24.09.2019

PER COURT :

- 1] Heard learned counsel for the parties.
- 2] By way of the instant public interest litigation, the petitioner has approached the Court with a prayer that misappropriation of grants and mis-use of beneficial State policies to provide access to education needs judicial intervention on account of the fact that charitable organizations establish schools with buildings lacking basic infrastructure and yet being admitted to 100% grant-in-aid. The petition also highlights forging of the record showing larger number of students admitted in the school, the fact

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being that the number of students are far less. This results in the organizations receiving grant-in-aid in excess of the number of teaching and non-teaching staff, thereby wrong profiteering being the result.

3] In the petition, it is pleaded that the respondent No.5 – trust which has established the respondent No.6 – school has not provided the basic infrastructure necessary for running a school.

4] The response is that after the petition was filed the facilities in the school have been augmented.

5] The Secretary of the District Legal Services Authority, Latur, was requested to visit the school and submit a report. The report informs that the walls of the school are not plastered. The flooring is by using cement concrete and no tiles have been provided. The school comprises five rooms. The school is from the Ist to Vth Standard. Students of the Ist and IInd Standard sit in one room. The students from IIIrd to VIth Standard are imparted education in different class rooms. The students of the VIIth Standard sit in the open space. The report informs that the windows are sans window frames. There are two toilets; one each for males and females. Construction material was seen in the premises. The premises has no electricity. Ceiling fans were not seen. The premises were

having cement sacks.

6] The report brings out that what has been projected by the petitioner is correct.

7] Being a public interest litigation, the directions which have to be issued by the Court have to be of a kind where the problem is solved across the board. Regretfully the State has no policy laying down the norms for a school to be recognized and admitted to grant-in-aid. If the norms are notified, the problem can be solved.

8] We dispose of the petition directing the respondent No.1 to frame norms specifying the minimum area of the land required for a primary, middle, secondary and a senior secondary school. The norms would provide the number of rooms to be used as class rooms with the area of the room. The norms would provide the built-up area required for the administrative functioning of the school. The norms would provide for infrastructure such as drinking water, fans, toilets, play-ground and library. Only such institutions which have the infrastructure would henceforth be admitted to grant-in-aid and as regards the existing institutions, it would be ensured that for continued grant-in-aid, the norms specified are met within a period of two years from the date when the norms are notified.

9] As regards the issue of ghost students i.e. fake names entered in the records, a policy should be notified to ensure that in the rural areas, the Anganwadi workers report as to the number of school going children in the school and whether the children are actually attending classes in the school in the village or not.

10] As regards the respondent No.6, we direct that the respondent No.4 shall visit the premises of respondent No.6 – school and if it is found that the basic infrastructure needed is non-existing, the school students should be shifted to proper school and grant-in-aid to respondent No.6 shall be stopped.

11] With the aforesaid directions, the petition is disposed of. No costs.

(R.G. AVACHAT, J.)

CHIEF JUSTICE