

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

PUBLIC INTEREST LITIGATION NO.205 OF 2016

Dr. Mahadeo Baburao Ghule	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Dr. Mahadeo Baburao Ghule – Petitioner in person.
Ms. Nisha Mehra, AGP for the Respondent No.1 – State.
Mr. G. S. Hegde a/w Ms. P. M. Bhansali, Advocate for Respondent No.2.

**CORAM : PRADEEP NANDRAJOG, C.J. &
N. M. JAMDAR, J.**

DATE : 8th JULY, 2019

P.C.

1] Grievance of the Petitioner in the Public Interest Litigation is to Maharashtra State Road Transport Corporation charging ₹ 1/- per passenger to whom a ticket is issued and crediting the same in a fund from which money is disbursed to passengers travelling in buses plied by it for any injury suffered or to the heirs of passengers upon death.

2] The Petitioner who is an advocate has not pleaded in the Petition that effectively that it results in the Corporation charging a premium thereby indirectly indulging in the activity of insurance. Thus, we do not deal with this aspect of the issue

3] The Petitioner has made roller coaster pleadings and we reproduce paragraphs 30, 31 and 32 of the Petition. They read as under :-

*“30) After taking into consideration the above mentioned plan/proposal of **SUPER SPECIALITY HOSPITAL** submitted by the MSRT Corporation to the Government of Maharashtra is suffering from lack of foresight and perfect vision, in true sense. Because, it is a self-explanatory as below -*

As far as Super Speciality Hospital is concerned, the Petitioner would like to point out that the basic budget of building construction, infra-structure, advance equipment's of laboratory and instruments or operation theatre, medical facilities to the patients, etc will be too high to reach, the sky will be limit of its expenditure.

*At the same time, what about the salary of the Doctors, Experts and Specialists, consultants, etc? who is going to pay them? Next, this Supper Speciality Hospital will be created at central place, as it is proposed it will be in Mumbai. Then will it be easily accessible to all patients to get admitted there from every corner of the Maharashtra State? And hence, **this plan is only hypothetical** and based on just imagination.*

*31) Regarding **Automobile Engineering College** is concerned, the **MSRT Corporation will have to face the following problems**, such as-*

(a) First of all the MSRT will have to take search of suitable land, considering its legal status, i.e. clear title of the property owner, non-agricultural and valid plan with sanction of town planning, etc to erect a building.

(b) *Heavy cost of Land-Now a day **the prices of the land are reaching to the sky, in metropolitan city and huge amount** will be required to purchase expected sufficient land to establish an Automobile Engineering College.*

(c) *Infrastructure cost-To establish an Engineering College the first requirement will be infrastructure, covering laboratory with adequate equipment's, well-furnished workshop and excellent library. And, **it will expand the budget** of the MSRT.*

(d) *Qualified Teaching Staff – After the fulfilment of basic needs, i.e. suitable land and infra-structure, etc then, there will be a requirement of qualified teaching staff to teach Automobile Engineering, without which it will not be possible to run this College. What about their salary? Who is going to pay?*

(e) *Enrolment of Students- What will be a criteria to admit the students? Whether there will be pre-eligibility test? If yes, then who is going to design the curriculum of such test?*

(f) *The proposal in this context which is submitted to the Government of Maharashtra on 14/03/2016 says that the some seats will be reserved to the children of the S T staff and workers, which will be admitted to this Engineering College. However, what about of the eligibility of these Children? Will these children be competent to accept the challenge of Automobile Engineering?*

32) The proposal submitted in this context, also plan to name these schemes, which may become debatable issue in near future for example-

(i) the Accident Insurance Scheme to be named as **“HINDU RHADAYA SAMARAT SHIV SENA PRAMUKH BALASAHEB THAKARE ACCIDENT ASSISTANCE SCHEME”**

(ii) Supper Specialty Hospital to be named as **“HINDU RHADAYA SAMRAT SHIV SENA PRAMUKH BALASAHEB THAKARE SUPPER SPECIALITY HOSPITAL”**

(iii) The Automobile Engineering College to be name as **“HINDU RHADAYA SAMARAT SHIV SENA PRAMUKH BALASAHEB THAKARE MOTOR VEHICLE ENGINEERING COLLEGE”**

*All these titles, which are supposed to be given to the proposed Schemes, submitted to the Government of Maharashtra for its approval, **are concerned with political parties, hence highly objectionable.** Because, every party who will be in power will follow the same pattern in future and will attach name of their political party founder/leaders to several government schemes.*

*On the contrary, if this proposal would have suggested names like Mahatma Gandhi, Dr. B. R. Ambedkar, Mahatma Phule, Swami Vivekanand, Dr. A. P. J. Abdul Kalam, Netaji Subhash Bose, or any other Philosopher, Thinker, Social Reformer, etc **who are concerned with patriotism and never with any political party, then such name would have been accepted by the society.** Therefore, to maintain peace and harmony in the society, **politically oriented name should not be permitted to allocate these schemes, as proposed by the MSRT.”***

4] What is the relevance of the same on the issue projected? We fail to understand. Be that as it may, the Corporation has the necessary permission from the Government to do so.

5] Keeping in view the fact that the money generated is used for public good, we terminate proceedings in the present Petition for the reason it is not the case of the Petitioner that the Corporation is indirectly engaged in the business of insurance.

6] File be consigned to the record room.

N. M. JAMDAR, J

CHIEF JUSTICE