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

SUO MOTO PUBLIC INTEREST LITIGATION NO. 01 OF 2017

The High Court of Bombay,
Bench at Aurangabad
Through Registrar (Judicial) ... Petitioner.

Versus

1. The State of Maharashtra
Through its Principal Secretary
Transport Department,
Mantralaya, Mumbai-32.

2. The Managing Director
Maharashtra State Road Trasport
Corporation, Head Office at Maharashtra
Vahatuk Bhavan, Mumbai Central,
Dr. Nayar Marg, Mumbai-8.

3. Regional Manager,
Maharashtra State Road Transport
Corporation, Regional Office,
Aurangabad. ... Respondents.

(Respondent No.3 deleted as per
Court's order dated 25.01.2019)

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Mr. S.S.Gangakhedkar, Advocate for the Petitioner (appointed as amicus curiae)
Mr. P.S. Patil, Addl.G.P. for Respondent No.1. / State.
Mr. V.D. Sapkal, Senior Counsel i/by Mr. S.R. Sapkal, Advocate for Respondent No.2.

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**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

Closed for Judgment on : 18.03.2021

Judgment Pronounced on : 30.04.2021

JUDGMENT (PER SHRIKANT D. KULKARNI, J.) :-

1. The scheme attempted to be introduced by the Maharashtra State Road Transport Corporation (hereinafter referred to as the "MSRTC") / Respondent No.2 as "*Kutumb Suraksha Yojna*", whereby terminated or suspended conductors are sought to be re-appointed under the said scheme, is under challenge in the present Suo Moto Public Interest Litigation.

Background of PIL

2. One Mr. Sharad Babrao Pote and others had filed writ petition No.10038 of 2016 before this Court and sought relaxation of the age restriction made under the notification of the MSRTC from 45 to higher age in order to get benefit of the said scheme "*Kutumb Suraksha Yojna*". The said writ petition was placed before the Division Bench of this Court on 30.06.2017, when this Court noticed that the scheme floated by the MSRTC is against the public interest since the employees who were charged or terminated or suspended on account of mis-appropriation of funds sought to be re-appointed under the guise of the scheme. This Court, converted the above said writ petition into Suo Moto Public Interest Litigation to consider the

notification in question / scheme since it is against the interest of the public at large.

3. <u>The factual matrix of the case is as under</u>:

3(i) The MSRTC has come out with a novel scheme of re-appointment of those conductors who are either suspended or terminated in order to extend financial benefits to the family members of such conductors under the scheme "*Kutumb Suraksha Yojna*". Respondent No.2 / MSRTC has issued a Circular No.25 of 2016 dated 06.08.2016, thereby launched a scheme for conductors who are dismissed on account of mis-appropriation or any charges of fraud or otherwise, employed with MSRTC to be re-appointed as per the said Circular / Resolution passed by the Board of Directors of MSRTC in the meeting dated 01.04.2016 under the scheme "*Kutumb Suraksha Yojna*". The intention in launching such schme was tried to be canvassed in such a fashion to show that due to the litigation between the MSRTC and the suspended / dismissed conductors on account of mis-appropriation or fraud, heavy financial loss is being caused to the Corporation. It is also stated in the said scheme that due to the misdeeds of the said conductors, their family members are facing financial problems and in order to protect their families, such a scheme is launched in for their benefit.

STAND OF THE MSRTC

4. The Vice Chairman and Managing Director of MSRTC, Mumbai has sworn the affidavit and tried to justify the scheme floated by the MSRTC. It is stated in the reply affidavit that there are about 32,000 conductors who come from semiliterate category had bench mark qualification for their recruitment of S.S.C. pass. In most of the cases, the person recruited as a conductor is alone member of the family who takes care of old parents and family. While discharging duty as conductors, they commit mistakes in issuing tickets as well as counting passengers. There is improper calculation of the cash. As they are handling cash, they are lured by the sense of making immediate profit of few bucks. In doing so find themselves in unfortunate circumstances and are branded as persons committing mis-appropriation.

5. The MSRTC as a policy, does not file criminal cases against those conductors. The conductors found committing mis-appropriation or causing loss to the Corporation by negligence are dealt with disciplinary Rules of the Corporation. The employees of the MSRTC have several unions and some times they are misguided by the unions and it results in filing the cases against the MSRTC before the various forums, thereby putting financial burden on the

MSRTC. Many conductors used to obtain loan from the State Transport Cooperative Bank and there is responsibility on the shoulders of conductors to repay the loan. If the conductors are slapped with dismissal, their entire family come on the street. There are rounds of litigation, enquiry, appeals and Court litigation. The family members are the most sufferers. The children have to lose the opportunity of education. By taking into consideration all these facts, the Board of Directors in its meeting dated 01.04.2016, decided to provide one time solution to such conductors and their families. Accordingly, the MSRTC had issued a Circular No. 25 of 2016 dated 06.08.2016 and introduced the scheme as "*Kutumb Suraksha Yojna*".

6. The very purpose of issuance of such Circular is that the employees who are dismissed from the services for the irregularities in issuing tickets and for mis-appropriation may get a chance to save their family from starvation. The object of the scheme is that the family members of the said employees should not be punished for the act of their sole bread earner. One more aspect is to provide an opportunity to such conductors to reform themselves by getting fresh appointment and begin their employment a fresh. The Corporation in this regard adhere to the Gandhian philosophy of reforming a criminal rather than punishing them and detaching them from the

social cycle of which they were a part before the crime was committed by them.

7. It is further stand of the MSRTC that while issuing such Circular No. 25 of 2016, the MSRTC has put stringent terms and conditions. The Circular is applicable to all types of irregularities in issuing tickets and misconducts. The employees will not get benefit of the past service benefits like gratuity etc. The employees who have completed 45 years of age on 01.04.2016 will not get the benefit of re-appointment as well as the employees dismissed for more than three times, will not be re-appointed under the scheme.

8. It is the stand of the MSRTC that such scheme is introduced to give financial support to the families of the employees / conductors who are involved in the enquiries or who faced suspension or dismissal so that they may get one chance in their life to begin new chapter.

9. We have heard Mr. S.S. Gangakhedkar, learned counsel appointed as amicus curiae for the petitioner, Mr. P.S. Patil, learned Addl. G.P. for respondent No.1/ State and Mr. V.D. Sapkal, learned Senior Counsel i/b Mr. S.R. Sapkalr, learned counsel for respondent No.2.

10. We have studied the scheme tried to be launched by the MSRTC vide Circular No.25 of 2016 dated 06.08.2016.

11. Mr. Gangakhedkar, learned counsel for the petitioner vehemently submitted that the scheme introduced by the MSRTC is against the public policy. It is also against the public interest. So called family protection scheme / "*Kutumb Surksha Yojana*" sought to be introduced by the MSRTC is nothing but an attempt to give go by to the legal process. The procedure adopted by the MSRTC by way of Circular to re-appoint suspended / dismissed employees is unknown to law. He submitted that the impugned scheme is apparently against the public interest since a person carrying stigmatic character and already placed under suspension or dismissal from service on account of mis-appropriation of funds of the MSRTC and not to be given any sympathetic treatment by colour of rehabilitation of his family under the purported scheme of "*Kutumb Suraksha Yojana".* Such an approach of showing sympathy towards the wrong doors at the cost of public at large cannot be digested. The impugned scheme is nothing but giving re-appointment to the conductors who have been suspended or dismissed on account of charges of mis-appropriation of funds of MSRTC by giving back door entry. The impugned Circular is

in contravention of public interest and policy. It clearly amounts to giving price or reward to an employee who has been suspended or dismissed from services on account of mis-appropriation of funds. It is some what novel idea tried to be introduced by the MSRTC against the settled provisions of law. The impugned scheme is against the Constitutional provisions. Mr. Gangakhedkar, learned amicus curiae urged to quash the impugned Circular / scheme since it is against the public policy and it contravene the settle legal principles.

12. Mr. Gangakhedkar, learned amicus curiae has placed his reliance on the following stock of citations in support of his argument.

(i) ***State of Haryana and others Vs. Piara Singh and others*** reported in ***AIR 1992 SC 2130***.

(ii) ***State of Orissa Vs. Bimalkumar Mohanty*** reported in ***(1994) 4 SCC 126***.

(iii) ***Jaskaran Singh Brar Vs. State of Punjab*** reported in ***2005 (3) SLJ 354***.

(iv) ***Sushil Kumar Singhal Vs. Regional Manager, Punjab National Bank*** reported in ***(2010) 8 SCC 573***.

13. Per contra, Mr. Sapkal, learned Senior Counsel supported the Circular / impugned Scheme. Mr. Sapkal submitted that the Public Interest Litigation in service matters cannot be entertained. The impugned Circular is in between the MSRTC and its employees. There

is no public interest involved. The MSRTC in its meeting of Board of Directors has taken a policy decision on 01.04.2016, by taking into consideration all the pros and cons. Accordingly, the scheme has been launched by Circular No.25 of 2016 dated 06.08.2016 and introduced the scheme as "*Kutumb Suraksha Yojana*". It is an attempt to give re-employment to the conductors who are involved in the departmental enquiry or who have been suspended or dismissed due to several mistakes committed while discharging theirduty. Their family members are the most sufferers. By considering all these aspects, the scheme has been introduced by the MSRTC. The MSRTC has launched the said scheme to safeguard the fundamental rights of its employees which are conferred on them by Article 14, 16 and 19 of the Constitution of India. He submitted that the impugned Circular issued by the MSRTC is not to bestow luxury on its employees but by way of humanitarian ground and in order to rehabilitate the family of the employees who are victims of the circumstances, such a scheme is launched.

14. Mr. Sapkal, learned Senior Counsel has also placed reliance on following decisions in support of his submissions.

(i) ***Dattaraj Nathuji Thaware Vs. Sate of Maharashtra and others*** reported in ***2005 AIR SCW 46 SC***.

(ii) ***Hari Bansh Lal Vs. Sahodar Prasad Mahto and others*** reported in ***AIR 2010 SC 3515***

15. We have considered the arguments advanced by Mr. Gangakhedkar, the learned amicus curiae and Mr. Sapkal, learned Senior Counsel.

16. The Public interest litigation is a weapon which has to be used with great care and caution. It is to be used as an effective weapon in the armory of law for delivering social justice to the citizens. It should be aimed at redressal of genuine public wrong or public injury and not publicity oriented or based on personal vendetta. It is the duty of the Court to see that a persons approaches the court by way of public interest litigation is acting *bona fide* and not for personal gain or private motive or political motivation or other oblique considerations.

17. In case of ***Dr. Duryodhan Sahu Vs. Jitendra Kumar Mishra*** reported in ***AIR 1999SC 114***, it is ruled by the Hon'ble Supreme Court that the Public Interest Litigation should not be entertained involving service matters. The same view find place in case of ***Dattaraj Nathuji Thaware Vs. Sate of Maharashtra and others*** (supra).

18. In case of ***Hari Bansh Lal Vs. Sahodar Prasad Mahto and others*** (supra), it is held by the Hon'ble Supreme Court that in Public Interest Litigation involving service matters, the Public Interest

Litigation is not maintainable except for issuance of writ of quo warranto.

19. In case of ***State of Haryana and others Vs. Piara Singh and others*** (supra), it is held by the Hon'ble Supreme Court that in service matters, the role of the Court is to ensure rule of law and to see that executive acts fairly.

20. In case of ***State of Orrisa Vs. Bimbalkumar Mohanty*** (supra), it is held by the Hon'ble Supreme Court as under:

> "Normally when an appointing authority or the disciplinary authority seeks to suspend an employee, pending inquiry or contemplated inquiry or pending investigation into grave charges of misconduct or defalcation of funds or serious acts of omission and commission, the order of suspension would be passed after taking into consideration the gravity of the misconduct sought to be inquired into or investigated and the nature of the evidence placed before the appointing authority and on application of the mind by disciplinary authority. Appointing authority or disciplinary authority should consider the above aspects and decide whether it is expedient to keep an employee under suspension pending aforesaid action. It would not be as an administrative routine or an automatic order to suspend an employee. It should be on consideration of the gravity of the alleged misconduct or the nature of the allegations imputed to the delinquent employee. The Court or the Tribunal must consider each case on its own facts and no general law could be laid down in that behalf. Suspension is not a punishment but is only one of forbidding or disabling an employee to discharge the duties of office or post held by him. In other words it is to refrain him to avail further

> opportunity to perpetrate the alleged misconduct or to remove the impression among the members of service that dereliction of duty would pay fruits and the offending employee could get away even pending inquiry without any impediment or to prevent an opportunity to the delinquent officer to scuttle the inquiry or investigation or to win over the witnesses or the delinquent having had the opportunity in office to impede the progress of the investigation or inquiry etc. But as stated earlier, each case must be considered depending on the nature of the allegations, gravity of the situation and the indelible impact it creates on the service for the continuance of the delinquent employee in service pending inquiry or contemplated inquiry or investigation. It would be another thing if the action is actuated by mala fides, arbitrary or for ulterior purpose. The suspension must be a step in aid to the ultimate result of the investigation or inquiry. The authority also should keep in mind public interest of the impact of the delinquent's continuance in office while facing departmental inquiry or trial of a criminal charge."

21. In case of ***Jaskaran Singh Brar Vs. State of Punjab*** (supra), the allegations of fraud in public employment centrestaged on the "procedure and mechanism" adopted by the State of Punjab in the wholesome selection of Deputy Superintendent of Police (DSP) from "Outstanding Sports Persons", can be a subject matter of public interest litigation, the legality and propriety of these selections was raised in writ petition along with the public interest litigation. The Punjab nd Haryana High Court was pleased to entertain that those petitions and issued certain directions to the State of Punjab.

22. In case of ***Sushilkumar Singhal Vs. Regional Manager, Punjab National Bank*** (supra), it is held by the Hon'ble Supreme Court that in Service Law, conviction of a person in crime involving moral turpitude impeaches his credibility as he has been found to have indulged in a shameful, wicked and base activity such an employee cannot be directed to be reinstated in service.

23. In case of ***National Association of Blind Vs. Bombay Municipal Corporation*** reported in ***2020 SCC Online Bom 2032***, the Division Bench of this Court at Principal Seat at Bombay has laid down the following tests after having gone through the various authorities. The tests to entertain the Public Interest Litigation, are as under:

> "(a) that, the PIL petition is not a camouflage to foster personal disputes;
>
> (b) that, behind the beautiful veil of public interest, an ugly private malice, vested interest and/or publicity seeking is not lurking;
>
> (c) that, the PIL petition is not intended to besmirch the character of others;
>
> (d) that, the information given in the PIL petition is sufficient to show the gravity and seriousness involved; and

(e) that, the PIL petition is not mischievous seeking to assail an executive action for oblique motives.

24. The Division Bench of this Court while hearing the writ petition No.10038 of 2016 (Sharad Baburao Pote and others Vs. The State of Maharashtra and another) *prima facie* noticed that the scheme launched by the MSRTC to re-appoint the suspended or terminated conductors under the scheme "*Kutumb Suraksha Yojana*" is against the public interest and directed to initiate Suo Moto Public Interest Litigation to consider notification in question. In that background, it is difficult to accept the argument advanced by the learned Senior Counsel that the instant Public Interest Litigation relating to service matter is not maintainable.

25. It is tried to be canvassed before us that for the welfare of the family members of suspended or dismissed conductors of the MSRTC, the impugned scheme is launched. It is by way of rehabilitation of suspended / dismissed conductors and their families. It is for their welfare and to protect their fundamental rights. We are not impressed by such argument. The MSRTC is run and controlled by the State of Maharashtra. The Corporation is rendering its services to the public at large. The policy decisions taken by the State Government from time to time are also applicable to the MSRTC.

26. There cannot be debate that welfare of the employees is to be protected by the employer. At the same time, whatever policy decision is to be taken, it must be in consonance with the rules and regulations and should be reasonable and not irrational. The decision or the policy should not be against the public interest, which may hamper generation of employment.

27. There are various State and Central Laws which takes care of welfare of labours. For example, Factories Act, Industrial Disputes Act, Workmen Compensation Act etc. The purpose of Labour Legislation is to protect legal rights of Labour. Labour Legislation that is adapted to the economic and social challenges at the modern world of work fulfills three crucial roles:

(a) It establishes a legal system that facilitates productive individual and collective employment relationship and therefore a productive economy.

(b) By providing a frame work within which employers, workers and their representatives can interact with regard to work related issues, it serves as an important vehicle for achieving harmonious industrial relations based on workplace democracy.

(c) It provides a clear and constant reminder and guarantee of fundamental principles and rights at work which have received broad social acceptance and establishes the processes through which these principles and rights can be implemented and enforced.

28. We have carefully studied the impugned scheme. The MSRTC has its own procedure for taking action against its employees, viz. the procedure for Discipline and Appeals. Various punishments are provided against the employee involved in acts of misappropriation, including suspension or removal from the service. However, in view of the new scheme, even if a Conductor is found guilty in a case of misappropriation, instead of suspending or dismissing him, provision is made to recover the amount of fifty times of the misappropriated amount, but that amount should be atleast Rs.5,000/-. The scheme further speaks that if that Conductor repeats the said act, then an amount of seventy five times of misappropriated amount be recovered from him. Similar kind of provisions are made in the said scheme and instead of taking action against the Conductors as per procedure of discipline and appeals, the Conductors are allowed to be re-appointed/reinstated in view of the scheme by recovering the misappropriated amount from them.

29. The impugned scheme appears to be unique and novel which has indirectly given go-bye to the legal procedure. It is well settled position of law that if the law requires that a particular thing is to be done in a particular way, it should be done in the same way and not by any other way. If a conductor is found guilty in a case of misappropriation, he must be dealt with according to the discipline and conduct procedure of the MSRTC. Whatever legal action is contemplated under the procedure must be adhered to.

30. The MSRTC is a State within the meaning of Article 12 of the Constitution of India. The service conditions of the employees of the MSRTC are strictly applicable. The MSRTC is under control of the State of Maharashtra. The State also provides financial support and aid whenever MSRTC faces financial problems. Certainly, the MSRTC has a duty to act reasonably and fairly so as not to infringe the provisions of Articles 14, 16 and 19 of the Constitution of India. The MSRTC being a State instrumentality is required to take policy decision as per the provisions of the Constitution and the relevant Rules and Regulations. Every action of the MSRTC must satisfy the test and standard of reasonableness. The decision of the administrator must be within four corners of the law, and not one which no sensible person could have reasonably arrived at having regard to the principle

of reasonableness. The action must be *bona fide* and not tainted or prompted by any irrelevant or extraneous considerations. So long as these tests are satisfied, it is not open to the Courts to interfere with the discretion exercised by the Corporation. Equally, whenever MSRTC fails to satisfy the test and standard of reasonableness, it is for the Courts to interfere with such policy decisions by way of judicial review. The executive decision/policy decision taken by the MSRTC must be according to well settled principles of law and must be in consonance with the provisions of the Constitution of India. The MSRTC has come out with an object for reinstatement of its suspended/dismissed Conductors found guilty in cases of misappropriation. The object behind the scheme appears to be not bona fide. The impugned scheme appears to be an example of abuse of powers. The Corporation has exercised its executive powers by violating the Constitutional provisions of Articles 14, 16 and 19 and MSRTC procedure and Regulations under the guise of reformation and welfare of families of the Conductors, who have been suspended/ dismissed in cases of misappropriation. We do not find any rational behind it.

31. ***In case of The State Financial Corporation and anr., Vs. M/s Jagdamba Oil Mills and ors.,*** reported in ***AIR 2002 SC 834***, it is held

by the Honourable Supreme Court that it is obligatory on the part of authorities to act fairly. The obligation to act fairly was evolved to ensure the rule of law and to prevent failure of justice. In case on hand, MSRTC is a Corporation and not a private limited company. The MSRTC is rendering its service of transportation to the public at large and is controlled by the State Government. Where the MSRTC is dealing with the public, it cannot act arbitrarily at its sweet will. Its action must be in conformity with the standards or norms, which is rational. Justice and fairness and State action is essence of Article 14 of the Constitution of India and State instrumentality like MSRTC should satisfy that requirement.

32. The Conductors who are found guilty in cases of misappropriation and other charges attempted to be re-appointed or reinstated under the impugned scheme has no rational. The impugned decision does not pass the test of reasonableness and fairness. The impugned decision is arbitrary and excessive use of discretionary powers vested with the authority. If the impugned scheme is allowed to be implemented, it may result in chaos. It may snatch employment of thousands who are prospering for the jobs in MSRTC. Thousands of unemployed youths are in the State who are in the queue for employment in the MSRTC for the posts of Conductor.

The MSRTC instead of giving an opportunity to the prospering candidates, who have better prospects and future, attempted to introduce the impugned scheme, which is certainly against the policy of generation of employment and violative of Article 16. It is against the State policy and public interest at large. It is not a question between an employee and a private limited company. The MSRTC is a colossal Corporation run and controlled by the State Government for the benefit of public at large. Certainly, the public interest must be protected. The Conductor who is involved in a case involving moral turpitude impeaches his credibility as he has been found to have indulged in a shameful, wicked and base activity cannot be re-employed and re-instated. The Corporation which serves public at large, there must be transparency in decisions of a Corporation and those decisions must pass the standard test of reasonableness and test of rational coupled with legal principles. The policy decision should not be against the State policy which contravenes Constitutional provisions.

33. The impugned scheme is attempted to be introduced under the colour of welfare of families of suspended / terminated / dismissed conductors and to reduce the burden of litigation costs. No details are given by the MSRTC in its affidavit. How much they are spending per

year on litigation expenses, how many matters are pending in Labour Courts, Industrial Tribunals and other Courts. What steps they have taken to expedite those matters and reduce the litigation. No details are forthcoming. Mere vague statement is made in affidavit sworn by the Managing Director of MSRTC to that effect and that can hardly be the consideration.

34. What is welfare of employees and their families. Welfare comprises of anything that is done for the comfort and improvement of employees and it is provided over and above wages. Welfare measures consist of intra mural welfare, extra mural welfare, social security schemes and work environment. The purpose of providing labour welfare measures is to keep the employees comfortable work life. Labour welfare can be used as a strategy to improve job performance. This adds to establish the impact of welfare measure on the job performance of the employees of the organization. Reappointment of suspended / dismissed conductors who are involved in misappropriation cases cannot be termed as welfare act. If this is allowed, it would be bad precedent and may affect adversely in maintaining discipline in the institution. We do not find any rational or common sense in introducing such kind of scheme.

35. The employees who are proven guilty in cases of misappropriation, whose conduct and behaviour is found against the interest of the institution, the employees who are proved to be dishonest, such employees are tried to be reinstated in the Corporation. The ordinary person would not even think of it. If such corrupt and dishonest people are reappointed and reinstated in the Corporation, it would be rewarding them for such dishonest work. In fact they ought to be punished according to the Corporation disciplinary procedure and guidelines. What an ordinary man would think if such corrupt people are again reinstated in the Corporation. They may say that Corporation is reappointing the corrupt persons to allow them to continue corrupt practices and repeat conduct of misappropriation. The corrupt employees need to be treated with iron hands so that the employees of like minded may not commit such acts of misappropriation. The Corporation must adhere to its discipline, procedure and guidelines and not to give them ceremonial send off by introducing such novel and unique scheme, which may adversely affect the Corporation.

36. Having regard to the above reasons and discussion and after studying the impugned scheme, we have no manner of doubt that impugned scheme/decision/circular is against the public policy and

public interest at large. The impugned decision is nothing but abuse of powers. The impugned decision is arbitrary and violative of well settled principles of Labour Laws and employment and equally, it violates Constitutional provisions of Articles 14, 16 and 19. The impugned decision if allowed to continue, bad signal would reach in the society that the persons/Conductors who are involved in cases of misappropriation are being reemployed/reinstated in the Corporation. This cannot be allowed in the welfare State. It is necessary to struck down the impugned policy by looking to the public interest at large and generation of employment. The impugned scheme is violative of Constitutional provisions and as such, must be thrown in the dust-bin. However, those who have already been granted benefit of this scheme earlier may not be disturbed.

37. With these reasons, we conclude and proceed to pass the following order :

ORDER

(i) The Suo Moto Public Interest Litigation is hereby allowed.

(ii) The impugned scheme known as 'Kutumb Suraksha Yojana' bearing No.25/2016 dated 6.8.2016 is hereby quashed and set aside.

(iii) The Registrar (Judicial) to forward copy of this judgment and order to the Managing Director, M.S.R.T.C., Mumbai for information and further necessary action.

(iv) Fees of Mr S.S. Gangakhedkar, learned Counsel appointed as Amicus Curiae is quantified at Rs.5,000/- (Rupees Five Thousand only) and the Secretary, High Court Legal Services Sub-Committee at Aurangabad shall pay the above quantified fees to learned Counsel Mr S.S. Gangakhedkar.

38. Suo Moto Public Interest Litigation stands disposed of in above terms.

(SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane

39 Mr. Gangakhedkar, the learned advocate graciously submits that the fees be remitted to the Government Medical College and Hospital, Aurangabad.

40. We appreciate the gesture of Mr. Gangakhedkar, the learned advocate. The said fees be remitted to the Government Medical College and Hospital, Aurangabad.

SHRIKANT D. KULKARNI)
JUDGE

(S.V. GANGAPURWALA)
JUDGE

S.P. Rane