

PMB

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

**PUBLIC INTEREST LITIGATION NO. 133 OF 2007
WITH
CIVIL APPLICATION NO. 59 OF 2008
WITH
CIVIL APPLICATION NO. 57 OF 2018
WITH
CIVIL APPLICATION NO. 56 OF 2018
WITH
CIVIL APPLICATION (STAMP) NO. 35428 OF 2013**

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Dr. Rajendra Sadanand Burma
and anr. .. Petitioners
Versus
The State of Maharashtra and ors. .. Respondents

**WITH
CIVIL APPLICATION NO. 87 OF 2009
IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007**

Bandu Sampatrao Sane .. Applicant
Versus
The State of Maharashtra and ors. .. Respondents

**WITH
CIVIL APPLICATION NO. 175 OF 2014
IN
PUBLIC INTEREST LITIGATION NO. 133 OF 2007**

Malgaonkar Bhushan Pandurang .. Applicant
Versus
Dr. Rajendra Sadanand Burma and anr. .. Respondents

Mr. J. T. Gilda, Senior Advocate for the petitioner in
PIL/133/2007 (through VC).

Mr. P. P. Kakade, Government Pleader aw Ms. Neha Bhide, 'B'
Panel Counsel for respondent nos. 1 to 4 (State).

Dr. Uday Warunjikar a/w Mr. Siddhesh Pilankar for the
petitioner in WP/3589/2011.

Mr. Y. R. Mishra a/w Mr. N. R. Prajapati a/w Mr. Upendra Lokegaonkar for respondent no.6 (UOI).

Mr. Bandu Sane, applicant-in-person in CAI/87/2009.

Following are present:

Dr. Ashish Satav, representative of NGO present through VC.

Dr. Duryodhan Chavhan, Assistant Director, Public Health Services, Mumbai.

Mr. Gokul Deore, Deputy Commissioner, ICDS.

Advocate Pravin Bagude, Law Officer, Public Health Services, Mumbai.

**CORAM: DIPANKAR DATTA, CJ. &
M. S. KARNIK, J.**

DATE : OCTOBER 13, 2022

P.C.:

1. Learned AGP on behalf of the State submitted that some more time is required to take instructions from the Director of Medical Education and Research (hereafter 'DMER' for short) and from the Maharashtra Public Service Commission (hereafter 'MPSC' for short) to submit a report in terms of the order dated September 23, 2022 passed by us. The request made is reasonable. Time is extended till the next date to file necessary affidavit/report of the DMER and MPSC.

2. Learned counsel and the parties appearing on behalf of the petitioners/intervenors submitted that special attention needs to be paid to the problems faced by the women and children in the districts of Nandurbar and Amravati. We are informed that meetings of the District Level Committee already constituted, comprising of the

District Collector and District Health Officer, Zilla Parishad are not being held on a regular basis.

3. Having regard to the urgent need to tackle this problem, we request the District Collector and District Health Officer of Nandurbar and Amravati District to convene regular meetings in the first week of every month and after taking stock of the situation, place report on record about the measures and steps taken to tackle the problem.

4. Dr. Satav, the representative of one of the NGO representing the tribal cause suggested that having studied the local conditions, it would benefit the tribals if local therapeutic food is provided for instead of the one supplied through the ICD scheme. We do not want to comment on this aspect as these are policy matters which should be best left to the executive to decide. Dr. Satav may place his suggestions before the concerned authorities.

5. We are happy to note that the incumbent Principal Secretary of the Tribal Welfare Department is a qualified doctor who would be best suited to appreciate the concerns pertaining to the medical condition of women and children in the tribal areas and suggest the road forward to deal with the problems.

6. Dr. Chhering Dorje, Special Inspector General of Police, Nagpur Range, Nagpur, appointed by the Court, has already submitted a short term and long term action plan which the State Government is implementing. The Principal Secretary, Tribal Welfare Department would undoubtedly go

through the various reports and the orders passed by this Court from time to time for exploring the further steps required to be taken to ameliorate the grievance of the tribal community.

7. Having regard to the magnitude of the problem faced by the tribals, we request the Principal Secretary, Tribal Welfare Department to pay a visit to the affected tribal areas so as to enable him get a first hand information about the difficulties faced by the tribals at the ground level. Before such a visit is undertaken, the Principal Secretary, Tribal Welfare Department will find it useful if learned senior advocate Mr. Gilda, learned advocate Dr. Warunjikar, the petitioners, Mr. Bandu Sane and Dr. Satav are put to notice of the visit, so that they can be in a position to accompany him and pin point the areas of concern at the ground level. Learned AGP to put all concerned on notice before such a visit is undertaken by the Principal Secretary of the Tribal Welfare Department.

8. Let a report be filed by the next date as to what steps are being taken to tackle this problem.

9. List the PIL petition along with Civil Applications on **November 14, 2022, at 2.30 p.m.**

(M. S. KARNIK, J.)

(CHIEF JUSTICE)