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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

970 SUO MOTO (PIL) NO. 1 OF 2018

THE REGISTRAR JUDICIAL HIGH COURT OF JUDICATURE AT
BOMBAY BENCH AT AURANGABAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Mrs.Rashmi S.Kulkarni, Amicus Curiae.

Mr.A.B.Girase, Government Pleader for Respondent Nos. 1 to 7.

Mr.A.G.Talhar, D.S.G.I. for Respondent No.11.

Mr.V.C.Patil h/f Mr.U.B.Bondar, Advocate for Respondent Nos. 6 and 8.

(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)

DATE : AUGUST 22, 2024

PER COURT :

1. Pursuant to our order dated 07.08.2024, the learned Registrar (Judicial) has placed a submission dated 20.08.2024, before us.

STATE LEVEL COMMITTEE

2. To recapitulate, we had contemplated formation of a State Level Committee, of which a retired Judge of the Bombay High Court would be the Chair Person. Directions on these lines are set out in paragraph Nos. 6 to 10 of our order dated 07.08.2024. The Committee

would be meeting regularly at Mumbai, keeping in view that a Retired Chief Secretary, the serving Director of Education, Pune, the Chief Engineer, P.W.D. at Mumbai and an Additional Director General of Police at Mumbai were to be the part of the said Committee.

3. Today, as the hearing progressed, we arrived at a conclusion that the learned Amicus – Curiae Mrs. Rashmi Kulkarni should be made a member of the said Committee in order to give assistance and inputs to the Committee.

4. Considering the submission of the learned Registrar (Judicial), there is a consensus to appoint Hon'ble Smt. Justice Anuja Prabhudesai, Former Judge, Bombay High Court, to be the chair person of the said Committee. The Committee, therefore, stands constituted as under :-

[a] Hon'ble Smt. Justice Anuja Prabhudesai, Chair Person.

[b] A retired Chief Secretary from the Maharashtra State Cadre who has demitted office within the last 5 years and who resides in Mumbai, to be nominated by the Chief Secretary of the State of Maharashtra.

- [c] The serving Director of Education, Pune.
- [d] The serving Chief Engineer, P.W.D., stationed at Mumbai.
- [e] An Additional Director General of Police, serving at Mumbai, to be nominated by the Director General of Police, State of Maharashtra.
- [f] The Amicus-Curiae Mrs.Rashmi S.Kulkarni.

The Director of Education, Pune, would be the convenor of the meeting and he shall be scheduling the meeting of the State Level Committee in due consultation with the Chairman of the Committee.

5. We request the learned Chief Secretary of the State of Maharashtra, to nominate the Retired Chief Secretary, as noted above, on the said Committee, within 15 days. We also request the Director General of Police to nominate the Additional Director General of Police, stationed at Mumbai, within 15 days.

DISTRICT LEVEL COMMITTEES

6. We have also received several communications from various Principal District Judges of the Judicial Districts in the State of Maharashtra, upon taking consent of the available retired Principal District and Sessions Judge, who is residing in the said district or such a

retired Principal District and Sessions Judge, whose native is the said district, though he may have settled down in any district adjacent to the concerned district.

7. Since some of the communications from the various districts have still not been received, we would be listing this Petition on 29.08.2024 at 2.30 p.m., in order to constitute the District level Committees. As recorded in our earlier orders, such District Level Committees would be conducting their own meetings and would be forwarding the inputs to the State Level Committee. Such District Committees would act in co-ordination with the State Level Committee.

TWO GOVERNMENT RESOLUTIONS

8. The learned Amicus-Curiae has placed before us 2 GRs' dated 13.05.2022 and 21.08.2024. The GR dated 13.05.2022 is marked as 'X-4' for identification and the GR dated 21.08.2024 is marked as 'X-5' for identification. She points out that around 14 heads for expenditure are set out in X-4 as a measure of improving infrastructural facilities in the State schools and those operated by the local authorities. She points out that the funds under such heads are to

be generated from the funds allocable to the District Planning Committees to the extent of 5% per year.

9. She then refers to the GR, X-5, which has been issued by the State Government yesterday, for dealing with the security and well being of the students admitted in such schools. Certain measures have been recommended and it is provided that 5% of the DPC funds would be utilized for installation of CCTV camera security system and other infrastructural facilities towards ensuring the security of the students.

10. The learned Amicus-Curiae then draws our attention to our order dated 12.06.2024, more particularly, paragraph No.3 wherein we have recorded the submissions of the parties on the point of funds being generated for the various schools under The Right of Children to Free and Compulsory Education Act, 2009. We were informed that, for the academic year 2023-2024, an amount of Rs. 998.79 crores, was being generated by the Union of India, only for the State of Maharashtra. The State Government is to contribute an amount of Rs.708 crores. We are informed that the funding is on the proportion of 60% Union of India and 40% State Government.

11. In view of the above, we call upon the learned Government Pleader to place a ready reference data before us on the next date to indicate the amount of funds received from the Union of India and the State Government and the amount spent for the academic year 2023-2024. We also record that the learned Amicus-Curiae is at liberty to place such issues even before the State Level Committee constituted by us today and we would appreciate that the State Level Committee would make it's re-commendations to this Court in this suo-moto PIL for consideration and for issuing necessary directions to the State.

12. Stand over to 29.08.2024, at 2.30 p.m.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)