IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1054 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

Ms.Rashmi S.Kulkarni, Amicus Curiae.
Mr.A.B.Girase, Government Pleader for Respondent Nos. 1 to 7.
Mr.B.B.Kulkarni, Advocate for Respondent No.11.
Mr.U.B.Bondar, Advocate for Respondent Nos. 6 and 8.

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

DATE : SEPTEMBER 20, 2024

PER COURT :- [Per Ravindra V Ghuge, J] :

1. Pursuant to our earlier orders, more particularly, the orders dated 12.06.2024, 17.08.2024, 22.08.2024 and 05.09.2024, several Principal District Judges have conveyed the details as regards the retired Judicial Officers, not below the rank of a Principal District Judge and the willingness expressed by very few of such Judges.

2. Considering the e-mails received by the Registry of this Court, the information is collated in a ready reference chart, which reads as under :-

Sr. No.	District	Name of retired Judicial Officers of the rank of PDJ	Name of Judicial Officers who have shown willingness
1	Ahmednagar	Nil	Nil
2	Akola	Nil	Nil
3	Amravati	Nil	Nil
4	Aurangabad	Shri. S.D. Digraskar Shri. N.G. Gimekar	Shri. S.D. Digraskar
5	Beed	Shri. M.R. Deshpande Shri. H.A. Patil Shri. S.R. Jagtap	
6	Bhandara	Nil	Nil
7	Buldhana	Nil	Nil
8	Chandrapur	Nil	Nil
9	Dhule	Shri. P.H. Mali	Nil
10	Gadchiroli	Shri. P.S. Tarare	Nil
11	Gondia	Nil	Nil
12	Jalgaon	Nil	Nil
13	Jalna	Nil	Nil
14	Kolhapur	Shri. R.K. Malabade Shri.D.G. Murumkar	Shri. R.K. Malabade
15	Latur	Shri. Sk. Rashid Yakubsaheb	Shri. Sk. Rashid Yakubsaheb
16	Nagpur	Shri. O.P. Jaiswal Shri. S.R. Trivedi Shri. R.P. Pande Shri. S.R. Sharma Shri. H.S. Mahajan Shri. A.Z. Khwaja	Shri. O.P. Jaiswal Shri. S.R. Trivedi Shri. R.P. Pande
17	Nanded	Shri. R.V. Jatale Shri. A.G. Bilolikar	Nil
18	Nandurbar	Nil	Nil
19	Nashik	Shri. D.A. Dholakia	Shri. D.A. Dholakia
20	Osmanabad	Nil	Nil
21	Parbhani	Nil	Nil

22	Pune	Shri. S.M. Kolhe Shri. B.P. Patil Shri. U.B. Hejib Shri. D.M. Deshmukh Smt. S.M. Shinde Smt. S.S. Sawant Shri. R.H. Mohammad	Shri. S.M. Kolhe Shri. B.P. Patil
23	Raigad	Nil	Nil
24	Ratnagiri	Nil	Nil
25	Sangli	Shri. S.A.A.R. Auti	Shri. S.A.A.R. Auti
26	Satara	Shri. D.S. Shinde	Nil
27	Sindhudurg at Oras	Nil	Nil
28	Solapur	Shri. S.V. Mane Shri. A. A. Shahapure	Shri. S.V. Mane
29	Thane	Smt. V.V. Virkar Shri. K.A. Kothekar Smt. S.D. Raikar Shri. D.G. Murumkar Shri. V.V. Bambarde	Nil
30	Wardha	Nil	Nil
31	Washim	Nil	Nil
32	Yavatmal	Nil	Nil
33	City Civil Court MUMBAI	Nil	Nil
34	Small Causes Court MUMBAI	Nil	Nil

DISTRICT LEVEL COMMITTEE

3. Considering the response of a few retired Judicial Officers, as is evident from the above chart and taking into account the

disinclination expressed by some of the retired Judicial Officers, including the absence of such retired Judicial Officer at their native places, we deem it proper to direct the learned Principal District Judges of each district as under :-

[a] The learned Principal District Judge would nominate the consenting retired Principal District Judge as a Chairperson of the District Level Committee. It be kept in mind that the concerned Judge should have retired within the 5 preceding years.

[b] If more than one retired Principal District Judge has expressed willingness, as is evident in some cases from the above chart, the learned Principal District Judge would nominate one amongst them as the Chairperson. If the adjoining districts do not have such a retired Judicial Officer (rank of Principal District Judge), he would have discussions with the learned Principal District Judge of the adjoining districts and by taking appropriate consent, nominate one consenting retired Principal District Judge from the list available, to the said adjoining district as the Chairperson of the District Committee.

[c] If at a particular district, a retired Principal District Judge is not available or is not consenting, despite the efforts taken in terms of the above [clause (a) and (b)], the learned Principal District Judge

of that district would nominate one amongst the serving D.J.-1 to D.J.-7, by exercising discretion and by considering the load of judicial work with the said District Judge.

[d] After the above exercise is completed, the learned Principal District Judge shall declare the constitution of the Committee in terms of our earlier order and intimate the other members of the Committee i.e. the District Collector, the Deputy Supdt. of Police of that District, the Education Officer (Secondary), the Education Officer (Primary), the Civil Engineer, P.W.D., not below the rank of Deputy Engineer, who shall be nominated By the Executive Engineer of the said district and the District Court Government Pleader.

[e] Such constitution of the Committee shall be intimated by the learned PDJ to the Chairperson of the Committee, Hon'ble Smt.Justice Anuja Prabhudessai, Retired Judge, Bombay High Court. For proper functioning, there shall be close co-ordination between the State Level Committee and the District Level Committee in the light of the order dated 07.08.2024.

[f] So also, after the Committees are constituted, we would expect the District Committees to commence their meetings on or before 15.10.2024 and look into the matters of infrastructural facilities

in the Zilla Parishad and Municipal Schools, the availability of the full time faculty teachers and the funds received from the Union of India and State Government for being utilized for the betterment and development of the schools.

UNIFORMS SUPPLIED TO THE STUDENTS

4. The learned *Amicus-curiae* has placed on record a news report published in Daily 'Dainik Sakal', Chhatrapati Sambhaji Nagar, 14th Sept, 2024 edition, with the title "शिक्षण खात्याने दिली चड्डी ढगळ" and the news report published in Daily 'Divya Marathi' dated 06.09.2024 edition, with the title "राज्यात देवस्थानांच्या रु. २७५ कोटींच्या आराखड्यांना मंजुरी - निवडणुकीच्या तोंडावर सरकारला आठवले देव".

5. The learned Government Pleader has tried to explain that the mess caused with regard to the stitching of the school uniforms for the students, is attributable to those elements who siphon of the funds allotted for stitching proper school uniforms to the schools operated under the Right of Children to Free and Compulsory Education Act, 2009.

6. Hence, we expect the State Government through a

responsible Officer of the rank of Principal Secretary, School Education and Sports Department to file a specific affidavit in reply, to indicate as to how the funds that are made available to the Zilla Parishad Schools, have been utilized and the quantum of the funds released.

CONSTITUTION OF THE STATE COMMITTEE

7. We also direct the learned Government Pleader to inform us on the next date, as regards the nomination of the Members of the State Level Committee, as is ordered by us in paragraph Nos. 4 and 5 of our order dated 22.08.2024. We expect such nominations to be done and the committee be constituted, by 10.10.2024. Concerned members of the committee shall be intimated by the Government.

8. List this Petition on 26.09.2024, at 2.30 p.m.

(Y.G.KHOBRAGADE, J.) **(RAVINDRA V. GHUGE, J.)**

khs/Sep.2024/1