

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

SUO MOTO PUBLIC INTEREST LITIGATION NO.2 OF 2023

THE REGISTRAR JUDICIAL HIGH COURT OF BOMBAY
BENCH AT AURANGABAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Amicus Curiae : Shri Shendurnikar Pushkar S., Advocate.
Government Pleader for Respondents 1 to 6 and 8 to 12/State :
Shri D.R. Kale
Advocate for Respondent 7 : Shri V.C. Patil i/by Shri U.B.
Bondar

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CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 11th September, 2023

Per Court :-

1. A famous saying goes as “NECESSITY IS THE MOTHER OF ALL INVENTIONS”. Can anyone imagine a girl and male students above the age of seven years, preparing a thermocol sheet to keep them afloat and using bamboo sticks with plastic square pieces laced to the edges of the bamboo sticks to be used as paddles, to navigate their way through the turbulent backwaters of the Jayakwadi Dam to reach the school for taking education?

2. This Suo Moto Public Interest Litigation has been registered in the light of the news report published in the daily Times of India (Sunday Times), Aurangabad edition, dated 27.08.2023. Problems of students going to the school by crossing the backwaters of the Jayakwadi Dam was earlier highlighted by the newspapers “Divya Marathi”, dated 17.09.2022, “Lokmat” dated 17.09.2022, “Divya Marathi” dated 18.09.2022, “Lokmat” dated 18.09.2022, “Sakal” dated 18.09.2022, “Lokmat” dated 08.11.2022 and “Sakal” dated 24.12.2022.

3. Village Bhiv Dhanora in Aurangabad district is barely five kilometers from the Aurangabad-Pune national highway and is surrounded by the Jayakwadi Dam backwaters, Shivna river and Lahuri river.

4. After going through the news and after registering the Suo Moto PIL, we appointed Shri Pushkar Shendurnikar, the learned Advocate, as an Amicus in this matter. He has prepared the PIL along with relevant records and documents and has placed them before us.

5. After going into the averments set out in the PIL petition, photographs and newspaper reports placed on record, we have no words to express our appreciation for the girl and

male students coming from farmers' families of the said village, who have shown their grit and determination in pursuing their education, by traveling to school from the backwaters and returning back. It is an every day's threat for life. These children deserve compliments for undertaking such journey twice a day for the last more than 12 months. Their plight was highlighted by the newspapers from Aurangabad and we express our appreciation even towards these newspapers like Times of India, Divya Marathi, Sakal and Lokmat.

6. We all are aware of the number of girl students in schools and as these girls grow up, there is a rise in the number of dropouts from the schools for various reasons. Despite such situation, the students as well as their parents have shown the urge and determination to pursue education for the children.

7. The learned Amicus has placed before us the details about these students, who climb over the thermocol sheet (commonly called as "Chappu" in the said village) in order to float over the backwaters, which are turbulent at times. There are girl students of 8 years of age and onwards and there are male students, who are also 9 to 10 years of age and onwards, who take education by undertaking such journey. Their parents have

lost their agricultural lands in the public project and hence, they have been displaced.

8. Even the pregnant ladies as well as old and sick people from the said village, have no other means, but to adopt the same method of remaining afloat and navigate through backwaters to reach the nearest land for travelling towards the medical facilities. The learned Amicus has rightly used the words a “treacherous journey” and “life threatening journey” for these kids as well as old, sick people and pregnant ladies.

9. We are overwhelmed by the gesture of the learned Amicus Shri Shendurnikar, who himself has gone to the backwaters of the Jayakwadi Dam and has himself boarded the thermocol raft and has undertaken the journey along with a parent of the school going girls, for taking the first hand impression as to how treacherous is it to travel through the backwaters in order to reach the school. This is an unprecedented gesture of the learned Advocate Shri Shendurnikar and we compliment him for the same.

10. Time has come for us to pass an urgent and effective order to ensure that these students do not have to see one more day of such a treacherous journey by navigating through

backwaters, keeping in view that sometimes venomous snakes climb on to the thermocol sheet and the kids have to get rid of those snakes. God forbid, if a child losses his balance and falls into the backwaters, he/she would face imminent danger of death, either by drowning or on account of snake bite.

11. **Issue notice to the Respondents returnable on 12.10.2023.** The learned Government Pleader waives service of notice on behalf of Respondent Nos.1 to 6 and 8 to 12. Shri Bondar, the learned Advocate, waives service of notice on behalf of Respondent No.7.

12. In view of the above and having considered the plight of these students and the residents of the village Bhiv Dhanora, we are issuing the following directions:-

(a) The District Collector, Aurangabad, shall forthwith ensure that these students are provided with either a proper boat with a specialized operator, who will navigate the boat through backwaters or a motorboat, if possible.

(b) Life jackets and/or rescue air tubes should also be provided/ attached to the said boats, which would ferry these students to the school during their school hours, meaning, while going to the school as per their school timings and returning back

home after school hours.

(c) During other times i.e. in between school hours or before or after school hours, the boat would also be used for the sick, old people and pregnant ladies so as to reach them to the nearest medical facilities. In short, this boat would be treated as a mode of transportation at all times (24x7) since nobody can predict a medical emergency in the middle of the night.

(d) Ideally two boats shall be made available so that the boat operators can work in two or more shifts.

(e) Let the District Collector meet the people's representatives and call upon their involvement for generation of funds in order to provide regular transportation facilities to such villagers.

13. We expect this order to be implemented within 12 hours, to the extent of these students, sick, old people and pregnant ladies.

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(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)