

12/4/23
16/11/2022
6/12/2022
16/12/2022
30/1/2023
23/2/2023
31/3/2023
I-4

महाराष्ट्र राज्य मानवी हक्क आयोग



Maharashtra State Human Rights Commission (MSHRC) Mumbai

Allotted to Court No. : 1/ 2/ 3
DOCKET SHEET

SVO MOTU CASE NO: 4183/13/16/2022

News item appeared in Marathi Newspaper (Lokmat) on 13th October, 2022

“विद्यार्थ्यांच्या हॉस्टेलमध्ये चुराखोरी” Mumbai.

Case to :- Hon'ble, Justice K.K.Tated, (Retd.).
Date of allotment :- 17.10.2022

SUMMARY

4183/13/16/2022

विद्यार्थ्यांच्या हॉस्टेलमध्ये घुसखोरी

ग्रामीण भागातील विद्यार्थी वाऱ्यावर, राजकीय कायकर्ते, अधिकाऱ्यांचा निवास

दीपक भातुसे

लोकमत न्यूज नेटवर्क

मुंबई : ग्रामीण भागातून शिक्षण घेण्यासाठी मुंबईत येणाऱ्या विद्यार्थ्यांची राहण्याची सोय व्हावी म्हणून शासनाने बांधलेल्या हॉस्टेलमध्ये विद्यार्थ्यांऐवजी राजकीय पक्षांचे कार्यकर्ते आणि मंत्रालयातील अधिकारी राहत असल्याची धक्कादायक बाब समोर आली आहे. चर्चगेट रेल्वेस्थानकाजवळ असलेल्या मातोश्री हॉस्टेलमधील

आरक्षणही पायदळी तुडवले

चर्चगेट येथील हॉस्टेलमध्ये ३६० विद्यार्थी क्षमता आहे. यातील ३४५ जागा या नऊ शासकीय महाविद्यालयांमधील विद्यार्थ्यांसाठी कोट्यानुसार राखीव आहेत. या जागा आरक्षणांनुसार भरल्या जातात, तर ५ जागा स्वातंत्र्यसैनिकांच्या पाल्यांसाठी आणि १० जागा शासनाच्या शिफारशीसाठी राखीव आहेत. मात्र, सध्या हे आरक्षणही पायदळी तुडवण्यात आले आहे.

खोल्यांवर राजकीय आशीर्वादने राजकीय पक्षांचे कार्यकर्ते, मंत्रालातील अधिकारी, शिक्षण पूर्ण झालेले काही विद्यार्थ्यांनी कब्जा केला आहे. त्यामुळे ग्रामीण भागातून मुंबईत शिक्षणासाठी

आलेल्या विद्यार्थ्यांना हॉस्टेलमध्ये प्रवेश मिळणे अवघड झाले आहे. 'लोकमत'ला मिळालेल्या माहितीनुसार उच्च व तंत्रशिक्षण विभागाचे प्रधान सचिव विकासचंद्र

रस्तोगी यांनी तीन आठवड्यांपूर्वी या हॉस्टेलला अचानक भेट दिली होती. ही घुसखोरी लक्षात आल्यानंतर त्यांनी पोलिसांच्या मदतीने या घुसखोरांवर कारवाई करण्याचे आदेश दिले. मात्र, अजूनही कारवाई झालेली नाही.

घुसखोरी केलेले राजकीय कार्यकर्ते आणि अधिकारी शासनाला एक पैसा न देता फुकट येथे राहत असल्याचेही समोर आले आहे. येथील वॉर्डनवर दादागिरी करणे, कॅन्टीनचे पैसे न देणे, असे प्रकारही येथे केले जात आहेत.

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MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001

Tel : 22092857 Email : court1-mshrc@mah.gov.in

DIVISION BENCH

KKT/Suo Moto Case No.- 4183/13/16/2022

Name of Respondent

: The Principal Secretary
Higher and Technical Education
Department
Mantralaya, Mumbai

The Secretary
Social Justice and Spl. Assistance Dept.
Mantralaya, Mumbai

Date

: 16th November 2022

Coram

: Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

PROCEEDING

(Per: Shri. M. A. Sayeed, Hon'ble Member)

Following parties are present:

Mr. A.K. Ahire, Under Secretary, Social Justice and Spl.
Assistance Department, Mantralaya, Mumbai

Mr. S. K. Kothe, Asst. Desk Officer, Social Justice and
Spl. Assistance Department, Mantralaya, Mumbai

Dr. Sonali Rode, Jt. Director, Directorate of Higher
Education

Shri. Vilas Sakpal, Superintendent, Directorate of Higher
Education

Advocate Amit Shinde, Law Officer, Social Justice and
Spl. Assistance Department.

2. In the present suo moto petition initiated on the strength
of news reporting in Marathi news paper with following caption

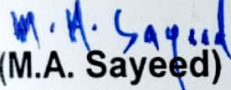
“विद्यार्थ्यांच्या हॉस्टेलमध्ये घुसखोरी ; ग्रामीण भागातील विद्यार्थी वा-यावर, राजकीय कार्यकर्ते, अधिका-यांचा निवास”

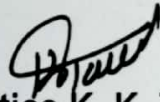
3. Pursuant to the summons issued by the Commission, today Dr. Sonali V. Rode, Jt. Director of Higher Education has submitted affidavit Ex. A with relevant annexures. After having scrutinized the documents annexed with it, we find that all the factual details has not been put forth on record. Dr. Rode has undertaken to submit a detailed affidavit with relevant documents, focusing on the issues regarding illegal occupancy of room in Matoshree Boys College Hostel by the officers and other students etc. and also the proper legal action taken against them covering all the aspects of recovery of penalty and other necessary encumbrance charges. She is further directed to ascertain the marker rate and value of the accommodations in the area / locality where the Matoshree Boys College Hostel is located. As admittedly it is one of the prime location in Churchgate where the market rate must be very high. Dr. Sonali Rode, Jt. Director has also clarified that the issue of illegal occupancy of the students arose as during the pandemic period as per the oral instructions of the then Minister in-charge of the Higher Technical Education Department, on humanitarian grounds, the students were permitted to occupy the rooms in the hostel and have not vacated till date. She is directed to submit the list of such students with the copies of the extract of the register maintained for the said purpose including the copies of the undertaking taken from such students.

4. Necessary compliance as directed above be made on or before scheduled date.

5. Law officer Mr. Amit Shinde has appeared on behalf of the Secretary, Social Justice and Spl. Assistance Department and submitted report Ex. B date 07.11.2022 contending that the subject matter in question does not fall within purview and have sought their deletion from the matter. Dr. Sonali Rode has also conceded that the concerned department has no concern in the present matter. Therefore, presence of the officers from Social Justice and Spl. Assistance Department is dispensed with.

6. **Matter to appear on board before Court No.1 on 6th December 2022 at 11.00 a.m.**


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson



MAHARASHTRA STATE HUMAN RIGHTS COMMISSION

9, Hajarimal Somani Marg, Opp. Chhatrapati Shivaji Maharaj Terminus, Mumbai - 400 001
Tel : 22092857 Email:- court1-mshrc@mah.gov.in

DIVISION BENCH **Suo Motu Case No.- 4183/13/16/2022**

Name of Respondent

: Principal Secretary
Higher and Technical Education
Department, Mantralaya, Mumbai

Secretary
Social Justice and Spl. Assistance
Department, Mantralay, Mumbai

Date

: 12th April 2023

Coram

: Justice K.K. Tated, Chairperson
M.A.Sayeed, Member

ORDER

(Per: M. A. Sayeed, Hon'ble Member)

Marathi local newspaper 'Lokmat' dated 13.10.2022 published a news article highlighting on total apathy and casual approach on the part of Higher and Technical Education department in supervising and maintenance of one of its students hostel ' Matoshree Hostel' supposed to be occupied by the students hailing from different parts of Maharashtra State as most of the rooms in the said hostel were reported to be illegally occupied by the officers from different departments of the government.

2. Reports on affidavits with compilation of documents came to be placed on record vide Ex. 'A' to Ex. 'G'.

Pertinent to note that on 31.03.2023, following direction was brought to the notice of Dr. K. Tupe, Joint Director, Higher & Technical Education Department.

"1. In compliance of our directions dated 23.02.2023, Dr. Keshav Tupe, Joint Director Higher Education Mumbai region. has placed on record affidavit dated 29.03.2023. In para. 6 of the affidavit, specific contention is affirmed as under:

"6. I say that, I have carefully gone through both the affidavits. I am aware the facts on the basis of official record maintained by my predecessor. I was appeared before this Hon'ble Commission. Therefore, I have strongly disowned the authenticity of the said News article published in 'Lokmat newspaper on 13.10.2022, since it was published without verifying the authenticity and the government Resolution dated 23.05.2016. by the said Government Resolution 10 Rooms was kept reserved for the visitors / guest who are in government employment and more particularly from the Higher education. I say that, whatever visitors came to stay at visitors' Room, has stayed only at visitors room and not stayed in the Rooms reserved for the students. There is nothing to establish the contentions of the said News paper hence it was denied in toto."

2. Bare reading of the above contentions indicates that the authenticity of the news article, reporting about the encroachments overstay in Government Boys Hostel - Matoshree Government Hostel Boys is in correct. However, the news article in question appearing in Lokmat dated 13.04.2022, specifically reports about the surprise visit of the hostel by the Principal Secretary Higher and Technical Education Department and of having observed, the hostel rooms being illegally occupied by some other Government officers / political workers etc and of seeking police help in getting them evicted.

3. When we brought this fact to the notice of Shri. Tupe he has undertaken to discuss and clarify the issue with Mr. Rastogi submit a affidavit on the said issue by next date

4. Matter to appear on board before Court No.1 on 12th April 2023 at 11.00 a.m."

3. Dr. Tupe assured to clarify the ambiguity in question. Accordingly affidavit of compliance vide Ex. 'H' came to be submitted by Dr. Tupe, Jt. Director through AGP Mr. Sachin Kankal affirming in para 3 to 6 as under:

"3. I say that, the Principal Secretary, Higher and Technical Education Department Mantralaya, Mumbai, perused the suo-moto complaint and directed the Joint Director, Directorate of Higher Education to do all necessary things which are in accordance of law and to appear before the Hon'ble Commission and to do all necessary compliances.

4. I say that, all the dates when the cognizance of the news dt. 13.10.2022 was taken by this Hon'ble Court on the said date Dr. Sonali Rodhe was holding the post of Joint Director. I say that, Shri. Harivijay Shinde was In-Charge Superintendent of the Matoshri Government Boys Hostel (GCH). Recently Dr. Nilesh Pathak has taken over the charge of Hostel Superintendent, of the said Hostel.

5. I say that, by an order dated 31/03/2023 the affidavit are filed before this Hon'ble Commission. The Hon'ble Commission is pleased to direct to file an affidavit after discussing with the Principal Secretary, Higher and Technical Education dept. Mantralaya Mumbai. I am therefore, filing the present affidavit is in respectful compliance of the courts directions.

6. I say that, the Principal secretary, Higher and Technical education dept. Mantralaya Mumbai, has visited the said Hostel on 16/09/2022. The object of the said visit was to inspect the possibility of increasing the intake capacity of the students in the said Hostel with the present infra-structure facility. It is therefore, Principal Secretary, Higher and Technical education dept. Mantralaya Mumbai has inspected the rooms with an intention to verify the comfort of the students, if the intake capacity is increased from single student to two students in each room. It is

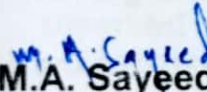
therefore, the said visit was never about 'what is published in the local News Paper'. Hereto annexed and marked as Exhibit-R-1 is the Copy of minutes of meeting dated 13/09/2022."

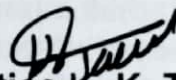
Minutes of the Meetings referred in the affidavit are also attached with the affidavit Ex. 'H'.

4. Thus, with the debatable issues reported in the news article being appropriately resolved and explained by the stakeholder department, we are of the opinion that further intervention is not warranted, hence following order:

"ORDER"

- a) Present suo motu case stands closed and disposed off with no order as to cost.


(M.A. Sayeed)
Member


(Justice K. K. Tated)
Chairperson