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State can't dictate terms to minority institutes: HC

'Govt Shouldn't Act Against Constitution'

Rosy Sequeira | TNN

Mumbai: The Bombay high court (HC) on Monday asked the state government how it could dictate to a minority institution in matters of staff selection. The court said the government cannot go against the Constitution.

A division bench of Justices S J Vazifdar and M S Sonak heard a petition by Canossa Society, which runs the Canossa Special School in Mahim. The society challenged a June 17, 2011 order of the disabled welfare commissioner cancelling approval of the school's female caretaker on the grounds that the commissioner's office had a surplus employee; the school was directed to absorb him.

Assistant government pleader Sindha Sreedharan submitted that the school was bound to absorb the employee because of an order

passed by the HC's Aurangabad bench that a waiting list of surplus employees be prepared for absorption following closure of schools. She said the commissioner had issued a circular for implementing this order.



The matter pertains to an order of the disabled welfare commis-

sioner, who had cancelled approval of a school's caretaker and directed it to absorb a surplus employee from his own office

The judges said selection and appointment of staff were guaranteed constitutional rights of minority institutions. "You cannot go against the constitution. The only question is if it (Aurangabad bench order) also ap-

plies to minority institutions," said Justice Vazifdar. Shreedharan replied that the Aurangabad bench order was applicable "in general to all". "It is not a 50% minority school... and is a general school," she contended.

Canossa Society's advocate Arvind Kothari argued that being a minority institution, the school had a right to choose and select staff of its own choice. He referred to Supreme Court judgments in cases concerning the Malankara Syrian Catholic College, St Francis De Sales Education Society and Sindhi Education Society, where it was held that the right of selection of staff was a facet of the right to administer minority educational institutions and consequently any restriction would impinge on the fundamental rights guaranteed under the Constitution's Article 30 (1).

Cabbie 'molests' minor, arrested

Mumbai: A taxi driver, Muthuswamy Tewar (36), has been arrested for allegedly misbehaving with his neighbour's daughter (11) after making her inhale a chemical in Dharavi.

On Sunday, the victim's friend mistakenly threw her footwear into...

'Acquittal is not clean chit for dismissed cops'

Shibu Thomas | TNN

Mumbai: Acquittal in a criminal case would not automatically lead to a clean chit in the departmental action and reinstatement, the

require only a preponderance of probabilities (while) criminal proceedings demand proof."

Beer Mohammed and P V Shreekumar were CISF constables and posted at a... on Decem-

Court summons senior babu for defying order on consumer fora

Mumbai: The Bombay high court on Monday issued a show-cause notice for contempt of court to the principal secretary (consumer protection) for not taking the court's orders seriously and failing to present a concrete scheme to lay down norms of selection and procedure to be followed for appointment of non-official members to the state and district consumer protection councils.

Justice Dhananjay Chandrachud and Justice Suresh Gupte heard a PIL by Mumbai Grahak Panchayat on non-appointment of presidents and members in 19 district forums and delaying setting up of Consumer Protection Councils at the district and state level. On June 28, 2013, the court had directed constitution of the councils. On July 29, it directed the government to come up with a concrete scheme for laying down norms for selection of non-official members.

Panchayat's advocate Shrish Deshpande said the government has not finalized the policy regarding selection and procedure of non-official members and not paid heed to the HC's court orders. Government pleader S S Shinde said after the July 29 hearing, he sought response from the consumer protection department. "It appears the court order is not being taken seriously," said the judges, directing the principal secretary to be present on August 29.

The judges said they are "constrained to take coercive steps" since the PIL is pending since Dec 2011 and despite orders, no concrete steps have been taken by the state government. The judges said they were "not" that app...

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