

**November 8<sup>th</sup>, 2006**

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**SUO MOTU WRIT PETITION N (P.I.L.) NO. 5629 OF 2004**

**High Court on its own motion...Petitioner**

**Versus**

**The State of Maharashtra and Ors....Respondents**

**with**

**Writ Petition No. 1623 of 2003**

Mr. A.A. Kumbhakoni, Associate Advocate General, with Smt. J. S. Pawar, Additional Government Pleader, for the State of Maharashtra.

Mr. S.C. Gupte, i/b Warerkar & Warerkar, in C.A. No.3004/04.

Mr. Jugal Kishore Gilda for the petitioner in Writ Petition No. 5660 of 2004

Mr. Mihir Desai for the petitioner in O.S. Writ Petition No. 1623 of 2003

Mr. P.D. Dhakephalkar, Senior Advocate, instructed by Onkar Warange for the applicants in Civil Application No. 2654 of 2006.

Ms. Betty D'Souza, instructed by Mr. M.P. Vashi, for the petitioner in Writ Petition No. 1623 of 2003

**CORAM: H.S. BEDI, C.J., & V.M. KANADE, J.**

**DATE: NOVEMBER 08, 2006**

**P.C.**

The learned counsel appearing for the petitioners in some of the petitions have raised several issues during the course of hearing viz. the setting up of Anganwadi Centres in tribal areas, establishment of hospitals and Public Health Centres in tribal areas, and in particular Neo-natal Centres in Dharni and Chikhaldara in Melghat area, and that the question of non-insistence of Below Poverty Line cards in the tribal areas so as to make it possible for those living in those areas to get the benefit of schemes for the poor. The learned Associate Advocate General has, on the basis of an affidavit filed by the Chief Secretary dated 17th October, 2006, pointed out that about 10176 Anganwadi Centres had been set up throughout the State and only 36 Centres remained to be set up in the tribal areas and in addition, a 50 bed hospital had been set up in Dharni area along with a neo-natal ward with an intensive care unit and a 36 bed hospital had been set up at Chikhaldara area with similar facilities. He has also made a statement that all those who were entitled to the benefit of the Integrated Child Development Scheme would be entitled

to the facilities aforesaid, even if such persons did not possess the BPL card. It has also been pointed out that steps have been taken to train Anganwadi workers and to create a supervisory cadre to oversee their work

The learned counsel for some of the intervenors have stated that the assistance of experienced NGOs be taken so that the schemes can be effectively implemented. During the course of the hearing, we put it to the learned counsel that it would not be possible for this Court to monitor the schemes indefinitely more particularly as the primary prayer in the petition which was for setting up of the aforesaid facilities has been granted. We accordingly requested the Associate Advocate General and the other counsel to suggest an agency to monitor the functioning of the facilities. The learned Associate Advocate General seeks time to get instructions. Stand over to 16th November, 2006.

CHIEF JUSTICE  
V.M. KANADE, J.