



**MUMBAI CONFIDENTIAL**



**NEW No. 1**

EKNATH SHINDE just cemented his position as the most powerful Shiv Sena minister in the Devendra Fadnavis government. His resounding success in the Thane civic poll has seen him pip seniors Subhash Desai, Diwakar Raote and Ramdas Kadam for the top billing. It was no surprise then that it was Shinde who articulated Shiv Sena's cause when the cabinet met for the first time after the civic elections this past week. Desai's poor showing in the elections further bolstered Shinde's cause.

**FIRM BACKING**

HIGH PROFILE bureaucrat Ashwini Joshi might have invited the rebuke of senior Bombay High Court judges in a couple of cases, but Chief Minister Devendra Fadnavis is backing his Mumbai (City) collector. The government has plans to move a special leave petition in the Supreme Court seeking quashing of a verdict that went against her.

**TIME FOR PERKS**

IT IS now six days since Sumit Mullick was elevated to the Chief Secretary's post, but he is yet to receive some of the entitlements that come with the decorated position. Word is that his predecessor Swadheen Kshatriya is yet to surrender the official car and the personal security cover that is extended to a chief secretary.

**'FAIR' PLAY**

AROUND 500 wards of policemen in Thane secured jobs in top multinational companies in a single day, thanks to a special initiative. In recognition of the role policemen play in our lives, the state's skill development department designed a customised job fair for the wards of policemen. Senior Thane cops also took lead in the initiative, which was well received.

**WELL DONE**

CHIEF MINISTER Devendra Fadnavis is on a high after steering his party to massive wins in the local polls. But it was an act of kindness from him that won many hearts. Amid all the electioneering, Fadnavis found time to promptly respond to an SOS from a father who was desperately seeking financial aid for the medical treatment of his ailing daughter. His act saved a young life and won him praise.

COMPILED BY SANDEEP ASHAR

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**BUILDING DECLARED 'PROTECTED MONUMENT' IN 2007**

**HC asks state to explain move as plea claims no proof Ambedkar lived in the Satara house**

Petitioner, who has been staying in the house since 1970, says authorities have no material to justify the special status

**RUHI BHASIN**  
MUMBAI, MARCH 5

THE BOMBAY High Court has asked the state government to explain how it had concluded that a property in Satara was where Dr B R Ambedkar lived in his early years, to declare it as a protected monument. The HC was hearing petitions, one of which challenges the claim of the state of Dr Ambedkar having resided in the property located in Sadar Bazar, Satara based on which it declared it as a protected monument. The petitioner, Laxman Aamne claims to be the owner of the property. "Our endeavour must be to see whether there is proper application of mind at the time of declaration in the official gazette

dated 8 March 2007 declaring the property as a protected monument," said Justice Manjula Chellur.

According to Aamne's petition, the property in question was declared as a protected monument by virtue of the Maharashtra Ancient Monuments and Archaeological Sites and Remains Act, 1960. He argued that though there was a declaration under this enactment which came to be published in official gazette on March 2007 indicating the property in question as a protected monument there was no material available with the authorities to conclude it was a protected monument. There is non-application of mind to the material placed at the relevant time by the authorities. Hence, the property in question cannot be



**Dr Babasaheb Ambedkar Smarak Samiti had published a booklet that said Ambedkar was presumed to have lived in the house between 1896 and 1904**

declared as ancient or protected monument, Aamne had said. Subsequently, in continuation

of the declaration of 2007, notifications under the Land Acquisition Act, 1894 came to be issued which was challenged in another petition.

The court held that with the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 coming into force and replacing the Land Acquisition Act, 1894, the preliminary and final notification under the 1894 Act would also have to be considered under the new Act since non-compliance of certain conditions like payment of compensation, not taking possession, not making an award within a particular time, would lead to different consequences.

"If such a declaration is just and proper technically then the question of considering the ben-

efits flowing out of 2013 Act would come into play," said the court keeping the matter for final hearing on March 21.

The trust that intervened in the matter, Dr Babasaheb Ambedkar Smarak Samiti, meanwhile, had published a booklet that was the only material available with the government or the authority to conclude that the building in question was a protected monument on account of the fact that Ambedkar was presumed to have lived in this house between 1896 and 1904, Aamne pointed out.

According to Aamne, he has been residing in the property since 1970. In 2004, he wanted to develop the property and sought permission from the local municipal council. Meanwhile, some people from the Dalit community

claimed that Ambedkar stayed in this house during his childhood.

They also had discussions with political leaders in 2005, which included RPI leaders. Aamne was eventually denied permission to develop the property. Meanwhile, it was declared as a protected monument.

He then wrote to the municipal council and other authorities to provide documentary evidence that Ambedkar had resided there. "But in a letter received, the council claimed to have no documentary evidence," states the petition.

The headmaster of the school in Satara were Ambedkar studied also said the register did not contain his residential address, added the petition.

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**Court sets aside 'perverse' bail order in murder case**

**EXPRESS NEWS SERVICE**  
MUMBAI, MARCH 5

THE BOMBAY High Court recently set aside the bail order issued by a lower court to the main accused in a murder case and said while courts were very slow in cancelling bail thereby depriving people of liberty, a bail order could be set aside in cases where it was found perverse or arbitrary.

"It is not that in the case of murder, bail cannot be granted. The manner in which the offence is committed, pre-assault and post-assault conduct of the accused, criminal antecedents, motive are the weighing factors while using the discretion in bail. Moreover, the period which the accused has undergone in the prison and filing of chargesheet are also important factors. In the present case, bail was granted within two and a half months before filing of the chargesheet. Grant of bail is discretionary, however, this discretion ought not to have been used in favour of the main accused Mayur Andhale. The order wherein material evidence is not considered is perverse and arbitrary," said Justice Mridula Bhatkar.

She, however, maintained the bail order with regard to another accused in the case.

The state government and the

wife of deceased Dadasaheb Choudar had moved the HC seeking cancellation of the bail order by a Baramati sessions judge.

As many as five accused had been prosecuted in the case and all were given bail in the murder case that took place in 2013 at Katphal village in Baramati. Choudar had reportedly insulted Andhale in the presence of villagers a few days prior to the incident. On the day of crime, the accused had allegedly taken Choudar somewhere in an Innova car and strangled him with the help of the co-accused in the moving car. The body was later thrown out of the vehicle and was found by the road. The complaint in the case had been lodged by a constable.

The counsel for the accused had submitted that they had been out on bail but had not violated any condition of the bail. The public prosecutor, meanwhile, argued that the sessions judge did not take into consideration the material evidence, which was part of the chargesheet. It was further submitted that the order was illegal and perverse and, therefore, should be set aside.

"It is a well planned murder with previous motive...The trial judge in his order did not discuss the evidence of eyewitness at all," said the court.

**HC: Ensure art teachers are appointed in every school**

Quotes GRs mandating such appointments for Std V to VII

**RADHIKA RAMASWAMY**  
MUMBAI, MARCH 5

STRESSING ON the importance of art education as an integral part of schooling, the Aurangabad bench of the Bombay High Court has directed the Department of Education to ensure art teachers are appointed in every school from classes 5 to 7, as stipulated by government resolutions between 1979 and 1985.

The court observed, "It is the creative individuals who are proving to be successful in this world today. There are tremendous avenues and opportunities available to those individuals who are trying to be creative and innovative."

Justice Ravindra V Ghuge was hearing a writ petition filed by a Jalgaon-based school against the school tribunal after it reinstated an art teacher in the school, despite the education department not approving of it.

Mohammad Wahab was appointed as a shikhan sevak in the Jalgaon school in 2009. After completion of three years, the school sent an application to regularise his appointment

as an art teacher.

However, the education department did not oblige, saying that there was no sanctioned post for an art teacher by the government after which he was orally terminated by the school.

Wahab then approached the school tribunal, which directed the management to cancel his termination of service and reinstate him. He was reinstated and his back wages, for the period of termination, were also paid to him by the school.

As there was no sanctioned post of an art teacher, he was working as an assistant teacher on an ad hoc basis. Therefore, the school approached the HC, stating that Wahab's appointment was unapproved as there was no sanctioned post and that they were being burdened with an additional employee.

The court, after perusing the documents and reports concerned, upheld the tribunal's assessment.

The court also perused various government resolutions and letters and held that, as per Government Resolutions of 1979, 1980 and 1985, there should be compulsory appointment of an art teacher in every

school between classes 5 and 7. It added that these norms were being openly violated across educational institutes.

Directing the education department to sanction the post and appoint Wahab as an art teacher, the court also said, "Taking into account the overall pathetic situation with regard to the appointment of Art Teachers and significance of art education, I deem it proper to direct the Department of Education, State of Maharashtra, to implement the Government Resolution dated 21.05.1979, the Government Resolution dated 30.07.1980, the letter of the Director of Education dated 06.09.1985, the letter of the Arts Director dated 06.09.1985 and the State Policy, to ensure appointment of an Art Teacher in every school imparting education from the V to VII standards. It needs to be ensured that such art teachers are engaged in such schools as expeditiously as possible and preferably till the time of the commencement of academic year 2017-2018."

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**HSC paper leak: 2 held from city**

**EXPRESS NEWS SERVICE**  
MUMBAI, MARCH 5

THE VASHI police Sunday arrested two persons in connection with the Higher Secondary Certificate examination question paper leak. The two are Rahul Bhaskar (22) and Azaruddin Sheikh (20), both undergraduate BCom students in the city. They have been booked under relevant sections of the Maharashtra Prevention of Malpractices at University, Board and Other Specified Examination Act as well as those of the Information Technology Act.

The police have so far registered two complaints pertaining to leak of the question papers of three subjects. While the question paper of Marathi was allegedly leaked Thursday, the papers of secretarial practice and physics held on Saturday went viral on social media minutes before the examination was slated to begin.

A senior official of the Navi Mumbai police said the modus operandi of both cases was the same. The police, however, did not reveal if the two accused, both residents of Malvani in Malad, were involved in both cases.

**CASES OF ASSAULT ON BUS DRIVERS**

**BEST drivers not public servants, will prosecute matter as regular cases: cops**

Statement in response to BEST demand for exempting its drivers from serving as witnesses during panchamas

**SRINATH RAO**  
MUMBAI, MARCH 5

IN JANUARY, the Brihanmumbai Electricity Supply and Transport (BEST) informed the Mumbai Police that it will not send its drivers to become witnesses for panchamas because they are not public servants. The Mumbai Police has now responded that bus drivers will not be considered as public servants if someone assaults them. Police will prosecute the cases as regular assault cases.

According to the letter BEST sent the police, the undertaking is not in favour of sending drivers to the police, who require public servants as witnesses during panchamas, which are procedures for recording evidence for certain crimes. The letter added that bus

drivers are not public servants and so should be exempt from witness duty.

However, the Mumbai Police responded strongly to the letter, writing that cases of assault against bus drivers would not be prosecuted under section 353 of the Indian Penal Code, which penalises individuals who assault public servants and use criminal force to deter them from carrying out their official duties. The section carries a jail term of up to two years and a fine or both. BEST bus drivers are often in the line of fire, being frequently roughed up by passengers or beaten during road accidents by motorists.

Deven Bharti, Joint Commissioner of Police, Law and Order, said that the police view has been conveyed to the state home department. "They (bus

drivers) will not be considered as public servants if someone assaults them. The cases will be prosecuted as regular assault cases," he said.

Senior police officials said while BEST employees were not called very often, the undertaking was still expected to send its employees when a request is made.

BEST General Manager Jagdish Patil said the undertaking routinely receives requests from the police at a time when it is functioning under a staff crunch. "If I want to run at 100 per cent capacity, I will have to recruit 38 per cent more drivers. They are entitled to 105 days of leave and work double shifts. So if I keep sending them for panchama work, how will we function?"

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**Women's Day award for six achievers**

**EXPRESS NEWS SERVICE**  
MUMBAI, MARCH 5

AHEAD OF the International Women's Day, six young woman achievers were honoured Sunday with the Sri Shanmukhananda annual award.

Among the girls were eight-year-old Tajamul Islam from Srinagar who won a gold medal at the World Kickboxing Championship in Italy in 2016 and 27-year-old Prema Jayakumar, a Malad resident who ranked first in the final chartered accountancy examination in 2013. Organisers said the two were chosen for their "extraordinary achievements despite all odds" as they came from



The achievers at the award function Sunday. Express photo

humble backgrounds. The other girls were Rida Zehra (10) from Meerut, a visually impaired girl who can recite 18 chapters of the Bhagwadgita; Malavath Purna (16) from

Telangana, the youngest Indian to climb Mount Everest in May 2014; child prodigy siblings Sushma (17) and Ananya Verma (4), daughters of labourers who have excelled in education.

**Honouring those who**

**honour the earth**

The India Chapter of International Advertising Association invites you to the 7th edition of the annual **IAA OLIVE CROWN AWARDS** Famous Studios, Mahalaxmi, Mumbai 15th March, 2017 7 pm onwards Dress Code: Smart casuals with a touch of green

For invitations, RSVP [Soumen.Santara@execseciaa@gmail.com](mailto:Soumen.Santara@execseciaa@gmail.com) | +91 98199 80202

**IAA OLIVE CROWN AWARDS**  
FOR CREATIVE EXCELLENCE IN COMMUNICATING SUSTAINABILITY  
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Annasaheb Patil Arthik Magas Vikas Mahamandal Limited, a Government of Maharashtra undertaking, implements various schemes for upliftment of economically backward unemployed youths. Applications from suitable candidates are invited for engagement on contract basis for 11 Months as per description below:

Sr. No.	Name of the Post	No. of Post	Qualification	Consolidated Honorarium Per Month
1	Higher Grade Steno	1	Any Graduate + Shorthand Speed with Marathi 100 wpm, with 2 years' relevant experience	20,000/-
2	Assistant	1	BCA/BCS/BBM/B. Com + Minimum 2 Years Working Experience in computer. (In above field Post Graduation will be given priority)	25,000/-
3	Clerk	1	B.Com/BBM + Certificate course with typing Marathi 30 wpm, English 40 wpm. with 1 year experience	20,000/-
4	Clerk	1	BCA/BCS + Certificate course with typing Marathi 30 wpm, English 40 wpm. with 1 year experience	20,000/-
5	Peon	1	10 <sup>th</sup> std.	10,000/-

On the basis of evaluation of yearly performance, the contract may be extended for a further period of 11 Months. The undersigned reserves the right to change (cancel/modify/add.) any of the criteria, method of selection, number of posts, appointment etc. with or without assigning any reason. Application form is available on [www.mahaswayamrojgar.maharashtra.gov.in](http://www.mahaswayamrojgar.maharashtra.gov.in) in pdf. format, candidate has to take printout, fill up the form, scan copy and send on mail id. [carrier.apam@gmail.com](mailto:carrier.apam@gmail.com). The last date of receiving the applications is Dt. 16/03/2017 till 6 P.M. The Applicants shall be entirely responsible for submission of application and for submitting the requisite original certificates at the time of the interview. The Interview letter/call letter will be sent to Eligible Candidates by E-mail only and corporation will not entertain any query regarding non receipt of email.

Place: Mumbai-01 Date: 04/03/2017 Sd/- Managing Director