

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD**

CRIMINAL WRIT PETITION NO.676 OF 2017

GOPINATH S/O. RAOJI GALANDE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for the Petitioner : Shri K.P. Rodge h/f Shri Rodge Pratap G.  
APP for Respondents 1, 2, 4 and 6 : Shri S.J. Salgare

...

**CORAM : RAVINDRA V. GHUGE  
&  
B. U. DEBADWAR, JJ.**

**DATE :- 05<sup>th</sup> April, 2021**

**Per Court :-**

1. We have heard the learned advocate for the petitioner and the learned prosecutor on behalf of respondent Nos.1, 2, 4 and 6. Despite service of court notice on respondent Nos.3, 5 and 7 to 9, no appearance has been entered.

2. The petitioner has put forth prayer clauses C, D and E, which read as under :-

*“C) By an appropriate writ, order or directions, the respondent Nos.1 to 6 be directed to take cognizance of the complaint dated 13.02.2017 made by the petitioner and the enquiry report submitted by three men committee dated 16.08.2014 as per the order of this Hon’ble Court dated 27.02.2014 passed in Writ Petition No.1596/2014 and take appropriate action against respondent Nos.7 to 9 and for that purpose, necessary directions may kindly be issued.*

- D) *Pending hearing and final disposal of this Writ Petition, the respondent Nos.1 and 2 may kindly be directed to appoint any Government Officer as an Administrator on respondent No.9 school and handover the administration of the said school to the Administrator.*
- E) *Pending hearing and final disposal of this Writ Petition, the respondent Nos.1 to 6 may kindly be directed to initiate appropriate action against respondent Nos.7 to 9 for their illegal activities including the misappropriation of the salary grants and illegal appointments and prosecute them by filing appropriate criminal proceedings.”*

3. The petitioner has already preferred Civil Writ Petition No.1596/2014 setting forth several grievances against the management of the Lokmanya Tilak Shikshan Sanstha, Vasmat and on account of irregularities allegedly committed by the said management. By this petition, the petitioner prays that this Court should direct respondent Nos.1 to 6 to take cognizance of the complaint dated 13.02.2017 filed by the petitioner with the Police Inspector, Rural Police Station, Vasmat. We have perused the said complaint in which, the petitioner alleges that Smt.Uma Saundankar is employed in two schools of the same management and is being paid salary as if she is in double employment. This, by itself, is a misconduct. The grievance voiced by the petitioner is that the salary grants of the Government are being misused.

4. The learned prosecutor submits that page 39 of the petition paper book itself would indicate that an offence has been registered on the basis of the complaint of the Block Education Officer, Panchayat Samiti,

Vasmat, as regards the acts of the management in engaging Smt.Saundankar as a school teacher in two schools. The charge sheet based on the said FIR has already been filed and the Trial Court is dealing with the said case. Thus, before this petition was filed on 02.05.2017, the complaint dated 13.02.2017 was already acted upon.

5. Insofar as the complaint dated 10.08.2013 filed by the petitioner is concerned, same was investigated into and the learned prosecutor submits, on instructions received from Shri S.D.Gurme, Police Inspector, Police Station, Vasmat, who is present in the Court, that the police did not find any merit in the said complaint and therefore, the FIR has not been registered. The report of the then Police Sub Inspector, dated 08.01.2014 is shown to the Court indicating that the complaint is disposed off.

6. As such, we are of the view that if the petitioner still has any grievance that his complaint dated 10.08.2013 has not been properly dealt with, he is not rendered remedy-less.

7. We find from this petition that the grievance of the petitioner vis-a-vis the management, pertains to the stoppage of his salary, engagement of a lady teacher in two positions and the educational institution demanding illegal gratification of Rs.15 lacs from the petitioner for continuing him in employment. Such disputes are to be dealt with by the Education Officer and if the petitioner is not satisfied, the Deputy

Director of Education can surely look into his grievances. Even thereafter, if the petitioner is not satisfied and finds that his grievance is not redressed, he can surely approach the learned Division Bench of this Court on its civil side, which he has already done by filing Writ Petition No.1596/2014. By order dated 27.02.2014, the petitioner has been protected against coercive action at the behest of the employer/management and the said petition is still pending.

8. In this backdrop, we are of the view that such issues should not be brought before this Court in a criminal Writ Petition since the demand for gratification for continuation in employment can be looked into by the Education Department and if the grievance is not redressed, he can approach this Court on the civil side.

9. On 14.01.2021, this Court had directed the Vasmatnagar Police Station to inform the Court as to what action was taken on the complaint of the petitioner dated 10.08.2013. As we were informed on 18.03.2021 that the Station House Officer, Vasmatnagar Police Station Rural was intimated of the said order on 28.01.2021 and there was no response, that we directed the Station House Officer to remain present in the Court today and deposit Rs.10,000/- as costs from his salary account.

10. The learned prosecutor fairly states that though the order dated 14.01.2021 was conveyed on the fax machine of the Superintendent of Police, Hingoli on 28.01.2021, the said fax machine was dysfunctional

and hence, the Station House Officer was never informed of the said order. Since this solemn statement is made by the learned prosecutor and as the Station House Officer is present in the Court, we are recalling our order of directing the Station House Officer to deposit Rs.10,000/- as costs. The said amount is not yet deposited.

11. The Station House Officer present in the Court states, as a goodwill gesture, that he would donate Rs.2500/- (Rupees Two Thousand Five Hundred) to the High Court Bar Library, Aurangabad. We are of the view that the Station House Officer should purchase latest bare acts on criminal laws like Indian Penal Code, Code of Criminal Procedure, Evidence Act, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Protection of Children from Sexual Offences Act, 2012 (POCSO), the Prevention of Terrorism Act, 2002 (POTA), the Maharashtra Control of Organised Crime Act, 1999 (MCOCA), the Maharashtra Prevention of Dangerous Activities of Slumlords, Bootleggers, Drug-Offenders/Dangerous Persons and Video Pirates Act, 1981 (MPDA), the Protection of Women from Domestic Violence Act 2005 (DV Act), etc., for the Vasmatnagar Rural Police Station. After purchasing such books, he would transmit the copy of receipt of purchase to the learned prosecutor, who would submit a compliance report to this Court.

12. Be that as it may, the complaint of the petitioner dated 13.02.2017 has now culminated into a case before the Trial Court and his

complaint dated 10.08.2013, which is not a part of this writ petition, has been disposed off leaving open to the petitioner to avail of remedies as are available in law. This Writ Petition, therefore, need not be kept pending and stands disposed off.

13. Needless to state, the petitioner would be at liberty to raise his grievance against the non payment of salary by the management with the Education Department and if his grievance is not redressed, he may seek appropriate reliefs in his pending Writ Petition No.1596/2014.

*kps*

**(B. U. DEBADWAR, J.)**

**(RAVINDRA V. GHUGE, J.)**