

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

WRIT PETITION NO. 3732 OF 2014

Abdul Wahed s/o Abdul Raheman

.. PETITIONER

VERSUS

The State of Maharashtra
& others

.. RESPONDENTS

Mr. S.S. Thombre, advocate for petitioner.

Mrs. S.A. Dhumal, AGP for the State.

Mr. M.C. Swami, advocate for respondents 5, 8 and 9.

Mr. M.C. Sayed, advocate for respondents 10 and 11.

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CORAM : R.M. BORDE &

V. K. JADHAV JJ.

DATE : 26th MARCH, 2015.

PER COURT :

1. Heard.

2. Petitioner, who claims to be a public spirited person, is praying for initiation of action against respondents 10 and 11 for mis-appropriating government funds to the tune of Rs. 4,00,000/-. It is contended that the funds were secured from the State Government by the educational institution for purchase of equipments, however, the amount has not been utilised for the said purpose. It is also contended, placing reliance on in enquiry report presented by the Deputy Chief Executive Officer on 01.02.2013, that on the day of visit to the school, the school was not functioning.

3. Affidavit-in-reply has been presented on behalf of the Education

Officer wherein it has been stated that the school has been shifted to village Kasabkheda which is at a distance of 12 kms. From village Deogaon Rangari. During the academic year 2011-2012, the institution closed down the school which was being operated at village Deogaon Rangari. The Secretary of the institution communicated the Education Officer on 21.03.2012 in respect of closure of the school at Deogaon Rangari. It was also informed by the Secretary that the school is being run unauthorisedly at Kasabkheda. An enquiry was conducted and report was submitted on 21.04.2012 informing therein that the school management has purchased necessary equipments, furniture and computer out of the funds received by it under the scheme. The Block Development Officer, Panchayat Samiti, Kasabkheda verified the purchases made by the school management and issued utility certificate. From the audit report also it is evident that the purchases have been made by the school management and that receipts and vouchers were verified. The State Government has granted permission to shift the school to village Kasabkheda from Dahegaon Rangari in the academic year 2012-2013 vide order dated 03.08.2012 on the ground that the school has maximum students from village Kasabkheda. It is also considered that no inconvenience is caused to the girls students from village Kasabkheda since in view of the earlier arrangement, they were required to travel to village Dahegaon Rangari which is at a distance of 12 kms.

4. In view of affidavit-in-reply presented on behalf of respondents pointing out that the funds provided by the Government have been properly utilised and the auditor has also reported utilisation of the funds for the

purpose for which it was secured, in our opinion, no cognizance needs to be taken of the grievance raised by petitioner in the instant petition. Petition is devoid of substance hence stands dismissed.

(V.K. JADHAV)
JUDGE

(R. M. BORDE)
JUDGE

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