

IN THE HIGH COURT OF JUDICATURE AT BOMBAY:
NAGPUR BENCH : NAGPUR
Criminal Application [APL] No. 185 of 2015
[Rajendra Gayadin Gangotri Vs. State of Mah. & another]

**Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.**

Court's or Judge's orders

Mr. P.D. Meghe, Adv., for the Applicant.
 Mr. V.A. Thakre, APP for respondent no.1.
 Mr. Joshi, Adv., for the respondent no.2.

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CORAM : A.B. CHAUDHARI, J.

DATE : 07th July, 2015.

Heard learned counsel for the rival parties.

The impugned order passed by the Revisional Court, namely Second Additional Sessions Judge, Nagpur, is regarding discharge of the respondent no.2 from a criminal case. In Para 2 of the Judgment and Order delivered by the Revisional Court, the allegations culled out by the learned Revisional Court are as follows:-

- "1. Three teachers were appointed in contravention of Rules and Regulations,
2. One student was allowed to reappear

for examination and was declared pass,

3. Excess fees were recovered by the accused for matriculation examination,
4. 32 desks and 26 benches were found short,
5. False documents were filed to obtain grants for rent."

Learned Adv. Mr. Meghe for the applicant vehemently argued that submission of false documents to obtain grant from the Govt. towards building rent when the building itself was not completed is the crux of the complaint. Mr. Meghe, however, fairly states that right from 1989, payments of grant towards rent were made after due certification by the Govt. itself. In my opinion, if the Govt. has paid the grants from 1989 towards rent of the building, it cannot be assumed to the contrary when the building was incomplete and still the Govt. paid the grants for the same. If a position contrary to this is allowed, the presumption in favour of the official course of action by the Govt. loses its sanctity. In so far as the issue about disbursement of grants towards rent from 1989 is concerned, the issue cannot be opened in the manner done by the applicant.

At any rate, the applicant is not concerned with the rent of the school premises received from the Govt., by way of grant, but he claims to be a social worker who is concerned with the taxpayers' money. Even now, the applicant is entitled to move the Govt. if really that is the case not only to act against the respondent no.2, but

against all such institutions in the State of Maharashtra where the rent in the manner for the school premises, as complained of, has been paid and is being paid by the Govt. by way of grant.

In the circumstances, there is no merit in the application. The same is dismissed.

Judge

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