

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

**WRIT PETITION NO. 1013 OF 2015**

*(Dhanraj Yashwant Ghatol Vs. The State of Maharashtra & others)*

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

Court's or Judge's orders

Shri P. S. Kshirsagar, Advocate for the petitioner.  
Smt. B. P. Maldhure, A.G.P. for respondents No. 1 to 4.

**CORAM : B. P. DHARMADHIKARI  
& S. B. SHUKRE, JJ.**

**DATED : 20 MARCH, 2015**

A primary teacher working in Post Basic Aashram School was charge-sheeted for hiding minor girl, a student, in his room at odd hours and also for subjecting her to sexual assault. After holding departmental proceedings, he has been dismissed.

In criminal prosecution, he has been acquitted. The prosecutrix turned hostile. Thereafter, he sought reinstatement because of acquittal and ultimately approached the Maharashtra Administrative Tribunal in Original Application No.315 of 2004. The O.A. came to be dismissed on 07/8/2014. That dismissal is questioned before this Court.

According to learned Counsel for the petitioner, the petitioner and the prosecutrix are married and staying in the same village. He further submits that the incident was otherwise and the prosecutrix was harassed by night watchman, she wanted to come to petitioner to complain and on the way she was caught by the villagers, she was taken to police station and her signatures were also obtained on blank papers. He submits that acquittal in criminal prosecution must be given due importance and the petitioner should be reinstated.

Learned A.G.P. submits that the standard of evidence to be looked into in prosecution and in departmental proceedings, is different. The Tribunal has correctly appreciated the fact that the prosecution was only for an offence punishable under Section 376 IPC while in departmental enquiry there was one more charge. She has taken us through the orders of the Tribunal.

Perusal of para 5 of the order of the Tribunal shows that Presiding Officer has

considered the fact that the prosecutrix turned hostile. However, it also found that in original enquiry the other girl student, who accompanied the prosecutrix to the room of the petitioner, was also examined. Her deposition proves wrong conduct on the part of the petitioner.

Very recently, Hon'ble Apex Court in the case of General Manager (Operations) State Bank of India & another Vs. R. Periyasamy - (2015) 3 SCC 101 has again highlighted the difference in standard of proof and different perspective to be taken in criminal prosecution and departmental enquiry.

We find no case warranting any interference as the judgment delivered by the Tribunal cannot be said to be suffering from any jurisdictional error.

The petition is dismissed. No costs.

**JUDGE**

**JUDGE**