

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPURWRIT PETITION NO. 3941/2012(Alfansa Vincent Alfanzo vs. Education Officer, Z.P Nagpur & others)

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

Court's or Judge's order

Mrs. Kirti Satpute, Adv. for petitioner
Mr.G.G. Mishra, Adv. for respondent no.1

CORAM : B.P. DHARMADHIKARI &
MRS.SWAPNA JOSHI,JJ.

DATED : 7th February, 2017.

Heard.

2. The petitioner claims amount of provident fund.
3. Adv. Mishra for respondent no.1 points out that petitioner, who happens to be a retired Headmistress, was also one of the trustees, managing the affairs of the educational institute. Ten approved teachers left the job and against their vacancies, ten other persons were clandestinely appointed and their salaries were also drawn by petitioner from Government exchequer. Surreptitious appointments were never pointed out and no approval was sought. Thus, by drawing salary in the name of teachers who have left employment, huge loss has been caused to Government. An amount of Rs. 5 crores is therefore roughly to be recovered from the School/Management. Criminal prosecution is already launched and petitioner has been released on bail.
4. Adv. Mishra further adds that as petitioner was/is part of the Management, there is no likelihood of any departmental proceedings being conducted in the matter.

5. The defence raised by respondent no.1-Education officer points out a very serious state of affairs. During period of ten years, various officers of Zilla Parishad and Education Department must have inspected the School and, therefore, must have also learnt about the apparent fraud. Whether any action has been taken against those officers or not, is therefore a moot question.

6. In any case, no action has been taken against the respondent no.3-management and its school still continues.

7. In this situation, we find that respondent nos.1 and 2 are failing to discharge their duties effectively.

8. The amount of provident fund cannot be subjected to any liability and cannot be encumbered. The respondent nos.1 and 2, therefore, have to release that amount in accordance with law.

9. Hence, with directions to respondent nos.1 and 2 to compute that amount and to release it to petitioner by depositing it in her bank account, within a period of four months from today, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

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