

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 707 OF 2016.

(Mr. Siddharth s/o Haridas Wasnik & another .vs. The State of Maharashtra & others)

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

Ms. Bhavana M. Kasare, Advocate for petitioners,
Mrs. B.H. Dangre, Public Prosecutor for respondent nos.1,
2, 3 & 5.

CORAM : B.R. GAVAI & KUM. INDIRA JAIN, JJ.

DATED : MARCH 14, 2017.

The basic grievance of the petitioners is that the daughter of petitioner no.1 Ku. Kshamata was compelled to recite 'Saraswati Vandana' in the hostel. Earlier an enquiry was conducted by the Committee duly constituted. However, Division Bench of this Court vide order dated 27.10.2016 has found that the report of the Enquiry Committee was in violation of principles of natural justice, inasmuch as the petitioner did not have appropriate opportunity to represent her case before the Court. The Division Bench vide the said order had directed the said enquiry to be conducted after giving ample opportunity of hearing to the petitioner.

In pursuance of the orders passed by this Court on 27.10.2016, enquiry report dated 20.12.2016 is placed on record. Copy of the report is taken on record. We have perused the same. Perusal of the same would reveal that neither the petitioner no.1's daughter Ku. Kshamata nor two of her friends

who had complained regarding compelling them to recite Saraswati Vandana have deposed before the Committee that an opportunity was not given to them. Upon perusal of the material placed before the Enquiry Committee, the Committee came to the conclusion that there was no substance in the allegations made by the petitioners regarding compelling to recite the prayer.

The learned Public Prosecutor states that a Circular is issued by the Director that there should not be any compulsion. We have made a specific query to the learned Counsel for the petitioners as to whether after circular dated 8.8.2016 she has any grievance with regard to the said issue. The learned Counsel fairly concedes that after that date, there are no instances of compelling anyone to recite the said prayer.

Since the petitioner's daughter herself has refused to participate in the enquiry proceedings, we find that no fault could be found with the report of the Enquiry Committee. No case is made out for interference. The petition is, therefore, rejected.

Judge

Judge

J.