

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

Criminal Application No.1433 of 2006

* Balaji s/o Pandhari Kamble,
Age 36 years,
Occupation : Service,
(presently terminated)
R/o Sugaon Camp,
Taluka Mukhed,
District Nanded. **.. Applicant.**

Versus

- 1) The State of Maharashtra
Through the Police Inspector,
Police Station Mukramabad,
Taluka Mukhed, Dist Nanded.
- 2) Shankar s/o Sambhaji Bodake
(deleted as per order dated
4-8-2006).
- 2) The Education Officer (Primary)
Zilla Parishad, Nanded. **.. Respondents.**

Shri. P.G. Rodge, Advocate, for applicant.

Shri. R.V. Dasalkar, Additional Public Prosecutor, for
respondent No.1.

**Coram: T.V. NALAWADE &
K.L. WADANE, JJ.**

Date: 6 AUGUST 2018

JUDGMENT (Per T.V. Nalawade, J.):

1) The proceeding is filed under section 482 of the Code of Criminal Procedure for the relief of quashing of F.I.R. No.I-68/2003 registered with Mukramabad Police Station, Taluka Mukhed, District Nanded. Both the sides are heard.

2) The crime is registered on the basis of report given by Block Education Officer, Panchayat Samiti, Mukhed. The Chief Executive Officer of Zilla Parishad Nanded had given direction to give report in respect of offences of fraud and so the report was given. It is the contention of the applicant, who was a teaching staff on the record of the schools of Baliram Vitthalrao Pawar and his brother Baburao Pawar that, his name was not mentioned by the Chief Executive Officer in the direction given to the Block Education Officer and due to that it was not proper on the part of the Block Education Officer to give report against the applicant. He took this Court through various orders made by this Court and the authorities in the proceedings like Writ Petition No.4903/2001 decided with other matters.

3) The submissions made show that there were two schools of the aforesaid Pawar brothers. One school was run in the name of Sant Ramrao Maharaj Primary School, Jirga-Tanda, Taluka Mukhed, District Nanded and other school was run in the name of Jijamata Primary School, Jahur, Taluka Mukhed, District Nanded. Allegations were made against the Pawar brothers that they had created false record of recognition to the schools and they had collected money towards salary grants and other grants. This Court had observed that even when the conditions for giving grants were not satisfied, by joining hands with the Zilla Parishad, the grants were received for the academic year 1997-98 in respect of the school. It was noticed that in respect of the second school there was no student admitted and some false record of admission of students was created and huge salary grant was collected. Six teachers were shown as staff appointed as per the staffing pattern and the headmaster was the younger brother of the Secretary. He was not even D.Ed. Direction was given by this Court to the Chief Executive Officer to give F.I.R. in view of the fraud committed by the institution - Balaji Shikshan Prasarak Mandal,

Balajiwadi, Post Ravankola, Taluka Udgir, District Latur. Direction was also given to see that recovery of the amount given was made. This order was made on 1-10-2003.

4) F.I.R. is given in respect of the functioning of Balaji Shikshan Vikas Mandal Balajiwadi, Post Ravankola, Taluka Udgir. Allegations are made that the Deputy Director of Education Aurangabad had issued a letter of approval in favour of Baliram Vithal Pawar, Abdul Gafoor Abdul Shakur and Somesh Dashrath Kondiba on 7-1-1994 and approval was given with effect from 1-5-1994. It is alleged that when there was approval in favour of only three employees, the institution mentioned the name of present applicant Kamble Balaji Pandhari and created false record of approval by mentioning false number as 1905 of the office of the Deputy Director of Education and on that basis they collected salary grants of Rs,1,94,974/- for the period from May 1996 to April 2001. Thus after inquiry, report was given against two persons managing the affairs of Sant Ramrao Maharaj Primary School, Jirga-Tanda, Taluka

Mukhed and also present applicant in whose name false record of approval was created.

5) Learned counsel for the applicant submitted that subsequently in view of the orders made by this Court in other proceeding like Writ Petition No.5271/2008 he came to be absorbed in other school of Zilla Parishad though stay was granted in respect of the order of the Grievance Committee to make payment of back wages. It was a different proceeding and prior to that F.I.R. was given. The said matter is still pending and so the applicant cannot make use of some interim orders made in the aforesaid matter.

6) In the present matter there are allegations against the present applicant that he and the aforesaid two Pawar brothers joined hands and created false record of approval in favour of present applicant and by using that *modus operandi* Government grant was obtained. It is serious allegation and when the office record is to that effect it cannot be said that false allegations are made against the present applicant. This Court holds that no

relief can be granted in favour of the applicant in view of the aforesaid circumstances. Learned counsel for the applicant placed reliance on some observations made by this Court in the case reported as **2007(1) Mh.L.J. 597 (St. Ulai High School vs. Devendraprasad)** and he produced some record like copy of Writ Petition No. 3560 of 2003 filed by the present applicant and other similar teachers. This Court holds that the observations made by this Court in the case cited supra are of no use and thorough investigation needs to be made in the present matter. Such serious cases cannot be taken lightly and they need to be taken to the logical end. In the result, the application is dismissed. Rule is discharged. Interim relief is vacated.

Sd/-
(K.L. WADANE, J.)

Sd/-
(T.V. NALAWADE, J.)

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