

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

12 WRIT PETITION NO.4538 OF 2019

SHRI SOMESHWAR SHIKSHAN SANSTHA
JIREWADI THROUGH PRESIDENT
RAMAKANTH SHRIRAM GUDE AND
ANOTHER

..Petitioners

Versus

ANIL UTTAMRAO KANDE AND OTHERS

..Respondents

.....

Advocate for Petitioners : Shri A.R. Tapse

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CORAM : PR. BORA, J.

Dated: April 09, 2019

PER COURT :-

1. Heard the learned Counsel appearing for the petitioners. Perused the impugned order.

2. The petitioners had filed an application before the School Tribunal at Aurangabad at Exh.65 with a request that, the criminal complaint be registered against the appellant in the said appeal for the offences punishable under Sections 420, 468, 471 and 474 of the Indian Penal Code. It was the contention of the petitioners that, the appellant has forged some of the documents and the said documents are placed on record in support of his appeal. The Tribunal has rejected the said

application observing that, though the matter was kept for hearing on the said application, at least on three to four occasions none of the present petitioners appeared before the Tribunal. It is further contended that, the appellant therein has placed on record the report of the handwriting expert, which was contrary to the contentions raised by the present petitioners and relying on the said report, which was available before the Tribunal, the Tribunal has rejected the application. It does not appear to me that, the Tribunal has committed any error in rejecting the application.

3. Though, now it is the contention of the present petitioners that, subsequently the Management has also obtained a report from the handwriting expert, which indicates that, the signatures which are appearing on the papers, which are placed on record of the School Tribunal, are not the signatures of the Head Master Shri Govardhan Maloji Munde, it is, however, not explained as to why such facts were not brought to the notice of the School Tribunal that, the Management has also forwarded certain documents to the hand writing expert. In such circumstances, though no fault can be found, it would be

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open for the present petitioners and the Management to bring all those facts to the notice by filing an affidavit in School Tribunal and the argument can also be advanced in that regard and the Tribunal may take the appropriate decision, if it finds necessary.

4. With these observations, the Writ Petition stands disposed of.

(PR. BORA, J.)