

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

CIVIL APPLICATION NO.283 OF 2020

IN

WRIT PETITION NO.999 OF 2019

**THE MANAGING COMMITTEE MADARSE MADINATUL ULOOM
EDUCATION SOCIETY NANDED AND ANR**

VERSUS

THE STATE OF MAHARASHTRA AND ANOTHER

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Advocate for Applicants : Mr. Mantri Ramesh R. and Kakani Rohit R.

AGP for Respondent/State: Mr. S.B. Narwade

Advocate for Respondent : Mr. Pulkundwar Santosh B.

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**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 15/01/2020

PER COURT :

1. The civil application is filed seeking directions to take action for contempt as well as perjury against the person responsible to make false statement.

2. According to Mr. Mantri the learned advocate for the applicant the Education Officer without any basis has rejected the application for grant of approval to appointment of petitioner no.2 as Headmistress. There was no dispute pending amongst the parties. The Education Officer did not have any material before him to conclude that there is a dispute. In Writ Petition No.2689/2011 and Writ Petition No.2690/2011, the Education Officer was a party. He was aware of the order passed by this Court still concluded that there is a dispute amongst the Management. The same was a reckless and false statement made by the Education Officer. The learned

counsel further submits that for the first time the Education Officer wrote to the A.C.C. calling for the details on 19.12.2019 till that time the Education Officer was not aware of any matter pending or any dispute pending before the A.C.C. or amongst the members of the Management. The Education Officer is a responsible person and cannot proceed in that fashion. Even a statement was made across the bar on 05.12.2019 that there is counter change report pending which is false. There is no counter change report pending. The change report is provisionally accepted submitted by the person who has filed the present writ petition namely Md. Bahauddin s/o Md. Ahmedoddin.

3. Mr. Pulkundwar the learned counsel submits that on 05.12.2019 he had only said that he would take instructions. The application was made by the Education Officer to the A.C.C. The A.C.C. replied that there are two inquiry applications pending one under Section 38 and another under Section 22 of the Maharashtra Public Trust Act.

4. We have considered the submissions. Perjury would be a wanton, intentional and deliberate false statement made before the Court or in document submitted before the Court.

5. The Education Officer has rejected the proposal seeking approval to the appointment of petitioner no.2 as a headmistress on the ground that there is a dispute amongst the members of the Management. Along with the proposal the orders of this Court were certainly not submitted. The complaints were received by the Education Officer

purportedly dated 13.12.2018 and 21.05.2019. It appears that the Education Officer bonafidely believed that there is a dispute amongst the members of Management. Though the Education Officer could have verified the same, however that in itself would not tantamount to a perjury.

6. So also it does not appear that the order of provisional acceptance of change was before the Education Officer and the same appears to be subsequent to the order of rejection of the proposal seeking approval to the appointment of petitioner no.2. There are two inquiry applications pending though the another one is under Section 38 of the Trust act.

7. In view of the aforesaid it cannot be said that the Education Officer is guilty of making a false statement.

8. Mr. Pundkulwar the learned counsel has clarified that he only said that he would take instructions in the matter on 05.12.2019.

9. In light of the above, we do not think that it is an appropriate case of contempt or perjury against the respondent. In view of that the civil application is rejected.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)