

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

917 CRIMINAL WRIT PETITION NO.516 OF 2021

SHIRISH MADHAVRAO MORE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

Mr S.P. Salgar, Advocate for petitioner
Mr A.S. Shinde, A.P.P. for respondents

**CORAM : V. K. JADHAV AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 6th August 2021

PER COURT :

1. By order dated 16.7.2021, we have requested the learned A.P.P. to take instructions about the complaint filed by the petitioner before the Superintendent of Police (Rural), Aurangabad on 5.3.2021.
2. The learned A.P.P., on instructions in writing submits that the said school where the petitioner was serving falls within the jurisdiction of Soygaon police station and in terms of his representation/complaint, Paithan police station has transferred the representation/complaint to Police Station, Soygaon. The Soygaon police station has conducted the enquiry into the matter. Even, the statement of the petitioner was recorded during course of preliminary inquiry.
3. It has been revealed during the course of enquiry that this is the service matter and there are issues about the promotion and transfer and accordingly, the Soygaon police station has informed to the petitioner to that effect in writing on 1.12.2020.
4. The learned A.P.P. submits that the petitioner has suppressed this fact and only referred the representation/complaint dated 5.3.2021 submitted to Superintendent of Police (Rural), Aurangabad.

5. It appears from the said representation/complaint dated 5.3.2021, the petitioner has referred the various issues about his service matter right from 2004 onward. In view of the same, the Police Station, Soygaon has conducted preliminary inquiry in terms of the ratio laid down by the Hon'ble Supreme Court in case of **Lalita Kumari Vs.Govt.of U.P. & Ors., (2014) 2 SCC 1**. Despite the communication to the petitioner about the nature of his complaint and further the advice to approach appropriate forum for the relief, the petitioner has suppressed this material fact and filed the representation/complaint before the Superintendent of Police (Rural), Aurangabad on 5.3.2021.

6. Apart from this, if the petitioner who is a member of the Scheduled Tribe category feels that the injustice has been caused during his service tenure only on the ground of his caste, the petitioner is at liberty to file the private complaint before the Court.

7. The Writ Petition is accordingly disposed of.

(**SHRIKANT D. KULKARNI, J.**)

(**V. K. JADHAV , J.**)

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