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

936 CIVIL APPLICATION NO.7982 OF 2020

MOHAMMAD IQBAL S/O MOHAMMAD KASIM PATEL
VERSUS
MOHD. ABDUL SALAM S/O MOHD. NOORULLAH & ORS.

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Mr A. A. Mukhedkar, Advocate for applicant;
Mr S. V. Dixit, Advocate for respondent No.1;
Mr S. K. Tambe, A.G.P. for respondent Nos.2 & 4;
Mr G. V. Mohekar, Advocate h/f Mr A. B. Shinde, Advocate for
respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
S. G. MEHARE, JJ.**

DATE : 27th July, 2021

PER COURT:

1. We have heard the learned Advocate for the applicant and the learned Advocates for respondent Nos.1 and 3. The learned A.G.P. represents respondent Nos.2 and 4.

2. We find this civil application to be quite intriguing. Writ Petition No.4877/2020 has been filed by the petitioner who is admittedly an employee working with respondent No.3, solitary school, from 01/09/1989 when he joined as an Assistant Teacher. From 01/02/2018, he was promoted as a Headmaster. The present applicant Mohammad Iqbal Mohammad Kasim Patel, as per the allegations of the petitioner, tried to extort money from him and on

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refusing to oblige, he lodged a complaint with the Education Officer, contending that the petitioner was selected and appointed on a post that was reserved for the backward category. As he had not tendered his caste validity certificate (Chhapparband), the Education Officer, upon being triggered by this complaint filed by the applicant, stopped paying salary to the petitioner.

3. The present applicant prays for intervention on the ground that the petitioner has produced a false caste certificate and illegally occupied the post of a teacher and a Headmaster and that his salary should not be paid till his validity certificate is produced.

4. The learned Advocate for the petitioner has raised a serious objection to the filing of such application on the ground that the issue that has cropped up, is between the petitioner and the Education Officer. The present applicant is completely unconnected with the Institution and the School. He claims to be a news reporter as well as a social worker. His intention to persecute the petitioner is only to cause harassment so as to extort money from him.

5. Without going into the allegations made by the petitioner against the applicant and vice a versa, we have no hesitation in observing that the present applicant is totally unconnected with the

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Institution and it's business. If he is a press reporter, he should stick to his business, rather than lodging complaint in the school personally against a teacher. There can be no interference by an unconnected person in a service matter between an employee and his Institution.

6. In the above backdrop, we have reasons to believe that the present application is filed for extraneous consideration and the same is, therefore, rejected by imposing costs of R.25,000/-, which the applicant Mohammad Iqbal Mohammad Kasim Patel, shall deposit in this Court, on or before 31/08/2021. Failure to do so, will compel us to issue orders to the District Collector for recovering the said amount from the applicant as arrears of land revenue, besides, taking action against the applicant as the Court may deem fit and proper.

7. After the amount is deposited in this court, we permit the petitioner Mohammad Abdul Salam Mohammad Noorullah, to withdraw the said amount as costs.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

sjk