

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

41 WRIT PETITION NO.3377 OF 2023

SAMBHAJI SHIVAJIRAO PATIL
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH ITS SECRETARY EDUCATION DEPARTMENT AND OTHERS

...
Advocate for Petitioner : Mr. Ashok B. Tele.
AGP for Respondent/State : Mr. S. K. Tambe.
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CORAM : **RAVINDRA V. GHUGE &
SANJAY A. DESHMUKH, JJ.**

DATE : 27th March, 2023.

Per Court:

1. The Petitioner claims to be a member of Respondent No.5 Education Society. He has approached this Court for seeking an inquiry as to whether Respondent No.7 is being paid multiple times for being a teacher on clock hours basis, as well as assistant teacher, who has approval. According to him, the funds of the Government in the form of salary grants, are being misused.

2. Having perused the Petition paper-book, we find that the present Petitioner seems to be complaining against everything in relation to this education society. He complains about misappropriation in the construction work, in the payment of salaries to teachers etc. He, however, does not desire that this Petition be converted into a PIL. He submits that as the State Exchequer is being

burdened by types of payment by Respondent No.5 to Respondent No.7, Respondent No.3 – Deputy Director of Education, Latur must investigate into this matter.

3. Normally, we would not have entertained this Petition and had it been a PIL, we would have tested the *bona-fides* of the Petitioner by directing him to deposit an appropriate sum under Rule 7A (i) of the Bombay High Court Public Interest Litigation Rules, 2010. However, since the Petitioner claims that the State Exchequer is being purportedly robbed by Respondent No.5 to pay Respondent No.7, we are calling upon Respondent No.3 to look into such complaint tendered to the said authority, on 11th January, 2023 by the Petitioner. By issuing such direction, it would not mean that we have taken cognizance of the complaints of the Petitioner or expressed a view in favour of his complaints.

4. In view of the above, this Petition is disposed of. Let Respondent No.3 deal with the said complaints in accordance with law and by granting an opportunity of hearing to all the stakeholders, within a period of 90 days. Needless to state, the Petitioner is at liberty to avail of the appropriate remedies, if so advised.

[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]