

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 2492 OF 2024

Nishant Namdeorao Gatkhal and Another ... Petitioners

versus

The State of Maharashtra and Others ... Respondents

....

Mr.Narendra V. Bandiwadekar, Senior Advocate with Mr.Vinayak Kumbhar, Mr.Rajendra B. Khaire and Mr.Aniket S. Phapale i/b. Ms.Ashwini N.Bandiwadekar for the Petitioners.

Mr.Vikas M. Mali, AGP for Respondent Nos. 1 to 3-State.

Ms.Ronita Bhattacharya Bector for Respondent No.5.

Mr.Akshay S. Karlekar for Respondent No.6.

Dr.Bhausahab B.Chavan, Deputy Director, Nashik Division present in person.

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**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 23RD OCTOBER, 2024

P.C.:

1. On 18th October, 2024, we had passed the following order :

“1. A glaring conduct of Dr. B. B. Chavan, Deputy Director of Education, Nashik Division, Nashik and his repeated disobedience of the High Court’s orders, practically showing signs of overbearing the majesty of law, is prima facie indicated through the records before us. It is in this backdrop that we

are permitting the Petitioners to add Dr. B. B. Chavan,

Deputy Director of Education, Nashik Division, Nashik as Respondent No. 6 in this proceeding.

2. The learned AGP submits that he would take appropriate instructions and advise Dr. B. B. Chavan, Deputy Director of Education, Nashik Division, Nashik to remain present before the Court, on 22/10/2024.

3. The order dated 05/07/2024, placed before us, is marked as “X-1” for identification.

4. In the meanwhile, the order dated 28/12/2023 and order dated 05/07/2024, passed by Dr. B. B. Chavan, Deputy Director of Education, Nashik Division, Nashik shall stand stayed.
travel and tours

5. Stand over to 22/10/2024, at 2.30 P.M.”.

2. The learned Senior Advocate for the Petitioners, relies upon the following judgments/orders delivered by this Court, at the Principal seat and at the Aurangabad Bench :-

(i) Judgment dated 8th December, 2023 delivered by this Court at Aurangabad in Writ Petition No. 7740 of 2021 (Sandeep Chudaman Shinde and Another V/s. The State of Maharashtra and Others);

(ii) Order dated 13th September, 2024 delivered by this Court at Aurangabad in Writ Petition No. 9740 of 2024 (Vaishali Prakash Upasani alias Vaishali Pravin Deshpande and Others Versus The State of Maharashtra and Others);

(iii) Order dated 16th July, 2024 delivered by this Court at Aurangabad in Writ Petition No. 7230 of 2024 (Kashinath Rajaram Patil and Others Versus

The State of Maharashtra, through Its Principal Secretary and Others);

(iv) Order dated 6th August, 2024 delivered by this Court at Aurangabad in ***Writ Petition No. 4893 of 2024 (Pratidnya Trimbakrao Chavan and Others Versus The State of Maharashtra through Its Secretary and Others);***

(v) Order dated 23rd June, 2021 delivered by this Court at Aurangabad in ***Writ Petition No. 5973 of 2020 (Hemraj Jagannath Fegade Versus The State of Maharashtra and Others).***

(vi) Order dated 01st August, 2024 delivered by this Court at Aurangabad in ***Writ Petition no. 7964 of 2024 (Vikas Dharma Sonawane and others Versus The State of Maharashtra and Others).***

3. He also points out a Government Notification, dated 14th October, 2019 issued by the General Administration Department, Mantralaya, State of Maharashtra, directing all concerned not to entertain complaints or applications received from those who have no connection with any institution or through agents etc., He further points out a Circular issued by the Commissionerate of Education, Maharashtra State, dated 26th December, 2019 specifically issuing instructions that the applications regarding personal grievances should be accepted only from persons who are themselves aggrieved and not through agents or strangers. He also relies upon a Notification dated 3rd December, 1958 which introduced the Rules for the preparation, submission and disposal

of the applications to the Government.

4. We have considered the submissions of the learned Advocates for the respective sides, including the learned Advocate representing Respondent No.5, original Complainant.

5. Time and again, we have cautioned the State Authorities not to entertain the applications filed by social workers or bystanders or persons unconnected with the organization and who have not suffered any personal legal injury.

6. In several cases, we have noticed that the persons describing themselves as social workers, lodge complaints against teachers and professors working in Schools, Colleges and Universities and hold out threats to the education department to compel them to commence roving inquiries against such employees. We have directed that such complaints should not be entertained. In some matters, we have also held that, Writ Petitions filed by such persons who intend to settle a personal score or pray for roving inquiries, should not be entertained.

7. The learned Senior Advocate appearing for the Petitioners

submits that Respondent No. 5 herein, has lodged several complaints against the Petitioner Institution and has also started filing RTI applications seeking personal information about the employees and the management of the Institution, though he is completely unknown and unconnected with the institution.

8. Respondent No. 6- Dr.Bhausahab B. Chavan, who is the Deputy Director of Education, Nashik, has tendered an affidavit in reply from page 101, along with several documents, upto page 155. He has tendered an apology and has categorically stated that the impugned orders and the impugned notices issued by him, stand withdrawn, forthwith. He further submits that after noticing several orders passed by this Court, which have been referred to herein above, he has stopped entertaining the complaints filed by strangers or bystanders and would not entertain such complaints anytime in future.

9. We were contemplating *suo moto* action against Respondent No.6, since we find that though he was aware of our earlier orders referred to in the above paragraphs, for reasons best known to him, he has wholeheartedly entertained the applications of Respondent No.5 and has highhandedly issued an order to register an FIR against one senior

member of the Management.

10. Respondent No.5 appears to be habituated to holding out threats of self immolation, before various Deputy Directors of Education. Some of such complaints are placed before us by Respondent No.6, along with his affidavit in reply. These threats are aimed at terrorising the Government Officials. In view of such circumstances, we permit Respondent No.6 to lodge police complaints against Respondent No.5, whenever he holds out a threat of self-immolation or any such precipitative action or threat of fasting, etc., more so, in the light of the judgment delivered by **this Court [Coram: Abhay S Oka (as His Lordship then was) and Sandeep K Shinde, JJ]**, on 12.12.2018, in ***Writ Petition no. 8987 of 2018 (Balasaheb Vitthalrao Tidke v/s The State and another)***, at the Principal seat.

11. The learned Advocate representing Respondent No.5, graciously submits that she has already advised Respondent No.5 to refrain from indulging in such acts, hereinafter.

12. Considering that Respondent No.6 has recalled the impugned orders, as well as, the order dated 05.7.2024, **this Writ Petition**

is disposed off. Needless to state, the salary bills of the Petitioners, which are not generated or not accepted for ten months, shall be generated and acted upon, forthwith, by the concerned, for payment of arrears and regular monthly payments.

13. Considering the unconditional apology tendered by Dr. B. B. Chavan, we would render a quietus to the said issue.

14. We direct the Registrar (Judicial) to place a copy of this order before the Chief Secretary of the State of Maharashtra, as well as, the Principal Secretaries, General Administration Department and the School and College Education Department, in order to issue strict directions to all the Education Departments and the Statutory Authorities to refrain from entertaining such complaints/applications/representations or of threats, by unconnected people, more so, in view of the Notification dated 3rd December 1958, the Circular dated 26th December, 2019 and the Government Resolution dated 14th October, 2019 referred to herein above.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)