



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8009 OF 2025

Sangeeta Nandlal Pawar
Age-53 years, Occu: Service,
R/o. Dattanagar, Shrirampur,
Tq.Shrirampur, District Ahilyanagar

...Petitioner

VERSUS

1. The State of Maharashtra
Through its Principal Secretary,
School Education and Sports Department,
Mantralaya, Mumbai
- 2) The Education Officer [Primary],
Zilla Parishad, Ahilyanagar,
District Ahilyanagar
- 3) The Superintendent,
Pay and Provident Fund Unit (Primary),
Zilla Parishad, Ahilyanagar
- 4) Shankarrao Gaikwad Gramin Education Society,
Shrirampur, through its President,
C/o Sau. Subhadrabai Baburao Gaikwad
Primary School, Ward No.1, Shrirampur,
District Ahilyanagar.

...Respondents

Advocate for Petitioner : Mr. Santosh S. Jadhavar
AGP for Respondent/State : Mr.V.M. Kagne
Advocate for Respondent Nos.2 and 3 : Mr. Sachin B. Munde
Advocate for Respondent No. 4 : Mr. Pradeep G. Tambade (Absent)

WITH
CIVIL APPLICATION NO. 10908 OF 2025
Sunanda Barku Shelke And Others
Vs.
The State Of Maharashtra And Others

...

Advocate for Applicant : Mr. Pokharkar Darshan Dinkar
AGP for Respondent/State : Mr.V.M. Kagne
Advocate for Original Petitioner : Mr. Santosh S. Jadhavar
Advocate for Respondent Nos.2 and 3 : Mr. Sachin B. Munde

CORAM : NITIN B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

RESERVED ON : 29.07.2026
PRONOUNCED ON : 24.08.2026

FINAL ORDER : (*PER : ABASAHEB D. SHINDE, J.*)

. Heard.

2. By this Writ Petition, the petitioner is seeking following main reliefs :

“B) By issuing appropriate writ, order or direction, it may kindly be hold and declared that, after revocation of suspension of petitioner by the respondent No.4 management by way of Resolution dated 10.09.2024 and after petitioner's reinstatement in service, an order from the office of respondent No.2 regarding continuation of approval granted to her appointment is not necessary.

C) By issuing appropriate writ, order or direction, respondent No.2 may kindly be directed to grant approval to the appointment of petitioner as the Headmistress of the school namely Sau.Subhadarabai Baburao Gaikwad Primary School, Shrirampur, District Ahilyanagar, a school run by respondent No.4.

D) By issuing writ of mandamus or any other appropriate writ order or direction, respondent No.2 and 3 may kindly be directed to accept salary bills of the employees of the school namely Sau. Subhadarabai Baburao Gaikwad Primary a school run by School, Shrirampur, District Ahilyanagar, respondent No.4 management, under the signature of petitioner.

E) By issuing writ of mandamus or any other appropriate writ, order or direction, respondent No.2 and 3 may kindly be directed to pay unpaid salary of the petitioner from June 2024 till this date.”

3. It is the case of the petitioner that she was appointed as an Assistant Teacher in respondent No.4/School on 01.06.1994 after following due procedure of law. Thereafter, she was appointed as Headmistress in the said school. She was granted the pay-scale of post of Headmistress w.e.f. 05.06.2003. On 12.06.2024, Crime No. 611 of 2024 came to be registered against her at Shrirampur City Police Station for the offence punishable under Section 7 of the Prevention of Corruption Act, 1988. Respondent No.4/School placed her under suspension by order dated 13.06.2024. It is further case of the petitioner that the respondent No.4 held a preliminary enquiry against her for the said charges, wherein it was revealed that she was falsely implicated in the said case. Respondent No.4 therefore, decided to revoke her suspension. She was accordingly reinstated on the post of Headmistress w.e.f. 11.09.2024. Even after registration of FIR, and placing her under suspension, her approval was neither discontinued nor withdrawn by the office of respondent No.2/Education Officer.

Respondent No.4, however, submitted a fresh proposal seeking continuation of approval to her appointment. Pursuant to the said proposal submitted by respondent No. 4, respondent No. 2/Education Officer sought guidance from the Deputy Director of Education. Despite repeated correspondence, no steps for grant of approval or release of her salary is taken by respondent Nos. 2 and 3, therefore, the petitioner has approached this Court.

4. Learned counsel for the petitioner submits that in fact there was no necessity to submit a proposal for continuation of approval to the service of the petitioner however, respondent No. 4, for the reasons best known submitted a fresh proposal. He further submits that once having found that the charges levelled against the petitioner were baseless, in view of the provisions of Rule 35 read with Rule 41 of The Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short, 'the Rules, 1981'), continuation of suspension of the petitioner beyond a period of 120 days is impermissible and the petitioner is deemed to have been continued in service after the expiry of 120 days therefore, she is entitled for all the consequential benefits. In support of his submissions, he relied on the judgment of this Court in the case of **Geeta Shridhar Gadre vs. Brahman Shikshan Mandal through Its**

Chairman, Thane and Others reported in 2007 (5) Mh.L.J.116 and in the case of Hamid Khan Nayyar s/o. Habib Khan vs. Education Officer, Amravati and others reported in 2004 (4) Mh.L.J. 513. He, therefore, urged that the Writ Petition deserves to be allowed.

5. Per contra, learned AGP, learned counsel appearing for the respondent Nos. 2 and 3 and learned counsel appearing for intervenors opposed the Writ Petition. It is submitted that the petitioner has committed several illegalities. She has misappropriated a huge amount of salaries of the employees and the Scholarships of the students. Even after her reinstatement, one more crime is registered against her alleging misappropriation and extortion of money. This conduct of the petitioner is detrimental to the interest of respondent No.4/Education institution as well as the School. A thorough enquiry was conducted in respect of misdeeds of the petitioner. It was revealed in the said enquiry that the petitioner has embezzled a huge amount in connivance with the office bearers of respondent No. 4. Due to these illegalities, respondent No. 2 has submitted a proposal to the Director of Education (Primary), thereby recommending appointment of Administrator on the respondent No.4/Education Institution. It is, therefore, urged that the Writ Petition deserves to be dismissed.

6. We have heard rival submissions advanced by both the sides and perused the record.

7. At the outset, as far as the judgment relied upon by the learned counsel for the petitioner in the case of **Geeta Shridhar Gadre** (supra) and **Hamid Khan Nayyar s/o. Habib Khan** (supra) is concerned, there is no dispute about the legal position that, an employee cannot be placed under suspension beyond a period of 120 days and if it is done, the employee put under suspension is deemed to have been continued in service. However, it is a matter of record that, an offence has been registered against the petitioner for misappropriation of the amount of salary of the employees and the Scholarship of the students. The record further reveals that there are at least 9 criminal cases pending against the petitioner regarding misappropriation, extortion, and preparing false records etc which depicts that, the petitioner's conduct is detrimental to the interest of the school as well as the Educational Institution. Due to serious illegalities committed by the petitioner, the authorities have been constrained to recommend appointment of Administrator on respondent No.4/Education Institution and the School.

8. In the light of above, we are of the considered view that the petitioner has not disclosed about pendency of criminal cases

against her, hence she has suppressed material facts, therefore, she has not approached this Court with clean hands. Considering the pendency of criminal cases and the serious allegations against the petitioner, she does not deserve the discretionary relief. In the peculiar facts and circumstances, we do not find any reason to exercise our discretion under Article 226 of the Constitution of India. The Writ Petition being devoid of any substance deserves to be dismissed. We, therefore, pass the following order :

ORDER

- i) The Writ Petition is dismissed.
- ii) Pending Civil Application (s) also stand disposed of.

(ABASAHEB D. SHINDE, J.)

(NITIN B. SURYAWANSHI , J.)

vsj..