

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 1648 OF 2014

(Shri Arvind Devaji Sapate vs. The Education Officer (Secondary), ZP, Nagpur & Ors.)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
FEBRUARY 25, 2015.**

Heard Shri Shende, learned counsel for the petitioner and Shri Rode, learned AGP for respondent No. 1.

After orders of this Court in Writ Petition No. 127 of 2014, the petitioner claimed that he is working as Head Master and Respondent No. 3 is working as Assistant Teacher. The grievance is, Respondent No. 3 has not handed over full records and the management (respondent No. 2) is not assisting the petitioner – Head Master to procure the same. Because of this, the accounts are not settled and audit also has not been completed.

Shri Rode, learned AGP relies upon the reply affidavit filed by Respondent No. 1. He states that if Respondent No. 3 is not giving records, Respondent No. 2 – Management as his employer is competent to take suitable action against him.

Writ Petition No. 127 of 2014 was disposed of

with liberty to the present petitioner to approach the Education Officer with this grievance. As per orders of this Court dated 15.01.2014, the petitioner has made a representation to Respondent No. 1. Respondent No. 1 has come up with his stand as pointed out by the learned AGP supra.

In this situation, it is for respondent No. 2 – employer to assist its Head Master in procuring the records. If Respondent No. 2 – employer is not exercising its powers and is not proceeding departmentally against Respondent No. 3, the powers lie with the Deputy Director of Education to proceed under Section 4A of the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977. The petitioner cannot be blamed for its state of affairs. Hence, we direct Respondent No. 2 to take suitable action against Respondent No. 3 for his non cooperation within a period of four weeks from today. If such an action is not initiated, it will be open for the petitioner to approach the Deputy Director of Education under Section 4-A of the MEPS Act for further suitable action.

With these directions and liberty, we partly allow and dispose of the petition. However, there shall be no order as to costs.

JUDGE

JUDGE