

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

WRIT PETITION NO. 4876 OF 2016

Amol s/o Manik Gote and others

-vs-

State of Maharashtra, thr.its Secretary, Department of Education and others

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

Court's or Judge's Orders.

 Mr. R.S.Kurekar, counsel for the petitioners.
 Mr. A.M.Balpande, AGP for the respondent Nos.1 to 4.
 Mr. S.M.Ghodeswar, counsel for the respondent No.5.

CORAM : SMT. VASANTI A NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 24.11.2016.

By this writ petition, the petitioners challenge the order of the respondent No.3 dated 16/08/2016, stopping the payment of salary to the petitioners.

The petitioners are working in the respondent-School from the year 2011 on teaching and non-teaching posts. It appears that on a complaint made by Shri Shivaji Sashahji Gote, who claims to be the Secretary of the Society and who seeks an intervention in this case, the Education Officer passed an order stopping the payment of salary to the petitioners without hearing the petitioners and without serving a notice to them. The petitioners have challenged the order as no opportunity whatsoever, was granted to the petitioners before the impugned order was passed. It is stated that the order is passed solely on the complaint of the intervener, who belongs to one of the two factions in the management.

Shri Balpande, the learned Assistant Government Pleader appearing for the respondent Nos.1 to 4, fairly admits on instructions from the respondent No.3 that before passing the impugned order, no opportunity was granted to the petitioners. It is stated that even a show cause notice was not served on the petitioners before their salary was stopped.

Since the impugned order is passed merely on a complaint made by one of the trustees, who belongs to one of the factions in the management of the society, without granting any opportunity whatsoever to the petitioners, the impugned order is liable to be quashed and set aside.

Hence, the writ petition is allowed. The impugned order is quashed and set aside. The respondents are free to take appropriate action, in accordance with law. Order accordingly. No costs.

With the disposal of the writ petition, Civil Application (W) No.2434 of 2016 stands disposed of.

JUDGE

JUDGE