IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12631 OF 2017
WITH WP/12632/2017 WITH WP/12633/2017 WITH WP/12673/2017
WITH WP/12674/2017 WITH WP/12675/2017 WITH WP/12676/2017
WITH WP/12677/2017 WITH WP/12682/2017

AND

WRIT PETITION NO.12627 OF 2017
WITH WP/12629/2017 WITH WP/12679/2017

SHAILEJA KAUTIK PATIL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS
...
Advocate for Petitioners : Shri Sontakke Sandeep B
AGP for Respondents 1 & 3 : Shri Yadav S.R.
Advocate for Respondent 2 : Shri Kshirsagar H.P.
...
CORAM : RAVINDRA V. GHUGE, J.
Dated: December 05, 2018
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PER COURT :-

1. In all these nine matters, (first group), learned counsel for the petitioners, who are identically placed with regard to the Uniform Scam, submits that after these petitions were filed, these petitioners noticed from the records that the uniforms were got stitched from the local tailors which was in tune with the scheme of stitching of the School Uniforms at the rate of Rs.45/- per uniform. A copy of the report and documents (seven pages), are tendered by the learned Advocate, which are taken on record and collectively marked as Exhibit "X" for identification.

2. Learned Advocate appearing on behalf of the Zilla Parishad submits that these petitioners have specifically averred in paragraph Nos.4, 8 and 14 that the uniforms were stitched by the Shraddha Mahila Vikas Mandal Mahila Bachat Gat, Aurangabad which was impermissible in law. Hence, the documents cited today may be ignored.

3. Notwithstanding the above stated controversy, I find that this Court has taken a view on 26.7.2018 in Writ Petition No. 7871 of 2017 and group of petitions that there were several irregularities committed by the School Management Committee, which includes these petitioners. It was also concluded by this Court that as the Honourable Apex Court has laid down the law that stoppage of one increment permanently would amount to a major penalty, which can not be imposed without conducting an enquiry, the punishments awarded to such petitioners of stoppage of one increment for one year with cumulative effect need to be modified. The punishments were reduced to stoppage of one increment for one year, simplicitor.

4. As such, these petitions are partly allowed. The punishment of stoppage of one increment for one year simplicitor stands awarded to these petitioners and the punishment of stoppage of one increment for one year with cumulative effect stands modified.

5. In so far as the second group of three Writ Petitions headed by Writ Petition No. 12627 of 2017 and other two petitions are concerned, learned Advocate for the petitioners strenuously contends that the report and recommendations made by the Chief Executive Officer was that these petitioners should be made liable for recovery of Rs.5220/-, Rs. 7948/- and Rs. 7821/- respectively. It is, therefore, contended that when the proposed punishment was only for recovering such amounts, the Zilla Parishad could not have imposed any punishment, much less the punishment of stoppage of one increment for one year with cumulative effect.

6. Learned Advocate for the Zilla Parishad opposes these petitions by contending that in the second last paragraph of the report of the Chief Executive Officer, it is only mentioned that the amount should be recovered from these petitioners. However, in the last paragraph, maximum punishment was proposed under Rule 4 of the Zilla Parishad District Services (Discipline and Appeal) Rules, 1964.

7. I have perused the order of the Chief Executive Officer in the light of the submissions of the parties. I find that an observation has been made that certain amounts need to be recovered from these petitioners. That was however, not proposed as a punishment. A

punishment was proposed in the last paragraph and the Chief Executive Officer suggested that maximum punishment needs to be imposed on these petitioners. In this backdrop, the contention of the petitioners cannot be accepted.

8. Nevertheless, as this Court has already taken a view in it's order dated 26.7.2018, delivered in more than 200 identical uniform scam cases, the punishment of stoppage of one increment for one year with cumulative effect awarded to these petitioners also deserves to be modified.

9. These three petitions are, therefore, partly allowed. The punishment of stoppage of one increment for one year with cumulative effect stand replaced by the punishment of stoppage of one increment for one year simplicitor.

(RAVINDRA V. GHUGE, J.)

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