

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.415 OF 2014

The President,
Palus Shikshan Prasarak Mandal

.... Petitioner

Vs.

The State of Maharashtra & Anr.

.... Respondents

Mr. S.G. Deshmukh with Mr. Abhijeet Kandarkar
for the Petitioner.

Mr. S.S. Panchpor, AGP, for the Respondent-State.

Mr. Mahesh Jagannath Chothe, Education Officer
(Secondary), Sangli, present.

CORAM: S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.

DATE : JANUARY 10, 2019

P.C:

1. After having heard both sides on the previous occasion and even today, we specifically enquired from the learned AGP as to what is the source of the order which has been passed by the Education Officer (Secondary), Zilla Parishad, Sangli, and impugned in this writ petition.

2. At his request, we had, on the earlier occasion, granted time to the AGP to peruse the legal provisions as also to speak to the concerned officials.

3. When the matter was listed today, it is candidly stated that there is no provision empowering the Education Officer to issue the directions and very sweeping in nature. The directions interfere with the day-to-day management of this institution and, to our mind, takes away the autonomy and freedom as well. The direction, for instance, to withdraw the show cause notice or to question the competence of the officer issuing the show cause notice, particularly to comment upon the merits of the charges in the show cause notice, clearly amounts to an over-reach. These are not matters which should disturb the Education Officer and in the least. It is for the aggrieved parties to challenge the show cause notice or the actions in furtherance thereof. This is merely one illustration which we have given and there are several aspects of the day-to-day management and administration covered by the impugned order. By this exercise, we feel that the Education Officer has gone much beyond his

brief. In the circumstances, we allow this writ petition. We quash and set aside the impugned order. We leave it to the authorities to take appropriate action in the event they are of the opinion that the Management has acted illegally or has flouted the mandate of the law. All such proceedings can be initiated and concluded strictly in accordance with law so also uninfluenced by our quashing of the impugned order.

(M.S. KARNIK, J.)

(S.C. DHARMADHIKARI, J.)