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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 9265 OF 2014

K.S.D Shanbhag Vidyalaya, Satara ... Petitioner.

V/s.

The State of Maharashtra and Ors. ... Respondents.

Mr. Pralhad Paranjape a/w. Manish Kelkar for the Petitioner.

Mr. M.M. Pabale, AGP for the Respondents 1 to 3.

***CORAM : PRADEEP NANDRAJOG, C.J. &
N.M. JAMDAR, J.***

DATE : 19 JULY 2019.

P.C. :-

Heard learned Counsel for the parties.

2. We note that till date the Respondents have not filed a counter affidavit. Challenge is to the communication dated 15 September 2014 issued by the Education Officer (Primary) Zilla Parishad, Satara and addressed to the Director of Education

recording therein that he has conducted an enquiry against the Petitioner and has submitting the enquiry report for perusal by the Director of Education (Primary).

3. The enquiry appears to have been conducted concerning fee being charged by the Petitioner. Parent-Teacher Association not being formed, school uniform being directed to be purchased from a notified school.

4. Suffice it to state that pursuant to the impugned communication, the Director of Education (Primary) would have been obliged by law to forward the enquiry report prepared by the Education Officer (Primary) alongwith a show cause notice to the Petitioner requiring the Petitioner to respond to the same.

5. We note that on 9 October 2014 while issuing notice stay was granted to the Petitioner.

6. We dispose of the Petition requiring the Director of Education (Primary) to whom the Education Officer sent the impugned communication to appraise the report of enquiry and if he proposes any action against the Petitioner, issue a show cause notice to the Petitioner containing the reasons for the proposed action and indicating therein the material on which the show cause notice is proposed. Needless to state the material relied upon shall also be

supplied to the Petitioner. The Petitioner's response would be received and reasoned decision taken.

7. Since we are in the year 2019, if the Director of Education (Primary) proposes any action against the Petitioner based on the enquiry report submitted in the year 2014 by the Education Officer, he would look into the current working of the Petitioner as of the year 2019, as well.

8. Declaring as above, the Petition is disposed of.

N.M. JAMDAR, J.

CHIEF JUSTICE