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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2784 OF 2015

Shri Ashok Yashwant Nikam

.. Petitioner

Vs.

Shri Chatrapati Vidya Prasarak
Mandal Dighvad and ors.

.. Respondents

None for the petitioner.

Mr. M. M. Pabale, AGP for respondent Nos.4 to 6 – State.

CORAM: PRADEEP NANDRAJOG, CJ. &
N. M. JAMDAR, J.

JULY 02, 2019.

P.C.

1. The petitioner joined the services of respondent No.3 – a school run by respondent No.1 – Education Society on 14 June 1983. The petitioner was promoted on 1 June 2009 as a Headmaster. However, the pay-scale of Headmaster was not paid to him. The petitioner approached the Education Officer (Secondary), Zilla Parishad, Nashik. The Education Officer disapproved the conduct of respondent Nos.1, 2 and 3 in not paying the pay-scale to the petitioner from the date the approval

was granted. The Education Officer directed the respondent nos.1, 2 and 3 – the private respondents, on 9 October 2014 to send the papers to process the pay-scale applicable to the petitioner.

2. This Petition is filed with a grievance that the private Respondents are not implementing the the orders of the Education Officer.

3. The Court was informed that after the petition was filed, the petitioner has retired from service and his pension papers were also not forwarded by the management. On 29 November 2017, the Court issued a bailable warrant to secure the presence of respondent No.2. The matter did not appear on board for some time.

4. A reply is filed by the respondent nos.1 and 2 taking up grounds regarding the order passed by the Education Officer and narrating the history of various litigations. No document is placed on record to indicate that the order of the Education Officer has been set aside. It is clear from the record that the order passed by the Education Officer is not complied with by the private respondents.

5. The state of affairs, where a recognized Educational Institute continues to defy the orders passed by the Education Authority cannot be countenanced.

6. We direct the Deputy Director of Education, Nashik to look into the issue and take the necessary steps. The Deputy Director will ascertain whether the order passed by the Education Officer on 08/09 October 2014 (Ex. A to the Petition) is complied with by the respondent Nos.1, 2 and 3. The Deputy Director will also ascertain whether the order passed by the Education has been set aside by any court of law or by a superior authority. If not, the Deputy Director of Education will ensure that the direction issued by the Education Officer to send the papers for pay fixation and releasing of salary to the petitioner is complied by the Respondents above. The Deputy Director of Education would set a time-bound programme for these respondents to implement the order passed by the Education Officer. If these respondents do not comply with such directions issued, the Deputy Director will take appropriate coercive steps as contemplated in law against the respondent Nos.1, 2 and 3. The Deputy Director of Education would take necessary steps within eight weeks from today.

7. With these directions, the writ petition is disposed of.

8. The office of the Government Pleader, High Court, Bombay, will send a copy of the petition along with an authenticated copy of this order to the Deputy Director of Education, Nashik for his perusal and compliance.

N. M. JAMDAR, J.

CHIEF JUSTICE