

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 4893 OF 2020

Shaikh Khairun Begum Abdul Saeed .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. Parag Vijay Barde, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 3.

Mr. P. R. Tandale, Advocate for Respondent No. 4.

Mr. A. N. Irpatgire, Advocate for Respondent Nos. 5 and 6.

WITH

WRIT PETITION NO. 4034 OF 2020

Tajeem Education Society, Latur

Through its Secretary

Rajendra Ramchandra Indrale

.. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Mr. A. N. Irpatgire, Advocate for the Petitioner.

Mr. K. B. Jadhavar, AGP for Respondent Nos. 1 to 3.

Mr. P. R. Tandale, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 09th DECEMBER, 2020.

PER COURT:-

. Both these writ petitions assail the order dated 03.09.2019 passed by the Education Officer stopping the salary of the employees.

2. Writ petition No. 4034 of 2020 is filed by the institution and Writ Petition No. 4893 of 2020 is filed by an employee.

3. Upon hearing Mr. Barde, Mr. Irpatgire, learned counsel for the petitioners, Mr. Tandale, learned counsel for the Education Officer and the learned A.G.P, it transpires that on or about 04.10.1991 the permission was granted to Tajeem Education Society to open and run Tajeem Urdu Girls School at Khadgaon Road, Latur. In the year 1994, the school was transferred to Anjali Nagar, Latur. On or about 11.06.2003 the society gave an application to grant ex post facto sanction for the transfer of the school to Anjali Nagar, Latur. On or about 30.09.2003 the Deputy Director of Education recommended to grant post facto sanction to this school and forwarded it to the Director of Education (Primary). The Education Officer has also recommended the same to the Deputy Director of Education on 30.06.2003.

4. It does not appear that the proposal recommending to grant post facto sanction for the transfer of the school from Khadgaon to Anjali Nagar is decided by the Director of Education. It is also not disputed that since 1997 the salary grants are paid to the institution inter alia employees. The report of the Block Education Officer placed on record also suggests that there is no record to hold that the Director of

Education has rejected the said proposal.

5. In such an eventuality, when the salary is regularly paid to all the employees from salary grants since 1997 and no decision has been taken for grant of post facto sanction for transfer of the school from Khadgaon Road to Anjali Nagar as recommended by the then Education Officer and the Deputy Director of Education. It would be inappropriate to stall the salary of the employees whose appointments are approved and if they are legitimately performing their duties.

6. In the light of the above, we pass the following order.

7. The impugned order is quashed and set aside. The Director of Education shall take decision upon the recommendations made by the Education Officer dated 30.06.2003 and the Deputy Director of Education dated 30.09.2003 expeditiously and preferably within a period of three (03) months from today.

8. The Education Officer shall not withhold the salary of the employees whose appointments are validly approved and are discharging their duties.

9. Depending upon the decision that would be taken by the Director of Education (Primary) on the recommendations made by the

Education Officer and the Deputy Director of Education for grant of post facto permission for transfer of the school from Khadgaon Road to Anjali Nagar run by Tajeem Education Society, further steps be taken. The management of the institution / Headmaster shall forward the salary bills of the legitimately approved employees who are discharging their duties.

10. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.