

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

912 WRIT PETITION NO.6507 OF 2019

PRANITA MOHAN PARDESHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Mr. D.B. Thoke, Advocate for the petitioner.
Smt. Vaishali Patil, A.G.P. for respondent Nos.1 and 2.
Mr. M.S. Sonawane, Advocate for respondent Nos.3 to 5.

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CORAM : **AVINASH G. GHAROTE, J.**

DATE : 06-07-2021.

ORDER :

1. Heard Mr. Thoke, learned Counsel for the petitioner and Mr. Sonawane, learned Counsel for respondent Nos.3 to 5. Learned A.G.P. appears for respondent Nos.1 and 2.

2. The present petition challenges the order dated 18.09.2017, whereby the respondent No. 3, has imposed a penalty of withholding two increments of the petitioner under Rule 4 (ii) of the Maharashtra Zilla Parishad and Panchayat Samiti (Discipline and Appeal) Rules. The two charges were levelled against the petitioner. The first charge, was that on 20.03.2013, she had submitted an application for leave, for some personal work, however without withdrawing the said application, she had appeared and had signed muster roll. The second charge, was that she had not accompanied the President of the School Management Committee, for acquiring the child friendly equipment. Allegations of mis-

management regarding the construction were also made. On receipt of the complaint, respondent No. 5 was appointed as the Inquiry Officer, who submitted his report on 12.06.2014. In so far as the charge No.1 was concerned, it was stated that the petitioner, ought to have made an application for taking back the application for leave, without giving which she had straight away appeared and participated in the working on 20.03.2013 by signing the muster roll and other proceedings. It was, therefore, recommended that the conduct of the petitioner, was not in consonance with her status as the Headmistress of the School and therefore, she should be reprimanded. In so far as charge No.2 is concerned, it was stated, that on 25.03.2013, when the Extension Officer had gone for an enquiry in this regard, the petitioner, did not cooperate at all and refused to hand over the keys of the cupboard on the pretext that they were not with her. The explanation by the petitioner, to the effect that as per the resolution of the School Management Committee she has adopted the appropriate procedure for purchasing the child friendly equipment and repairs to the school. It was also stated, that the petitioner, was expected to cooperate in the enquiry, however intentionally the records which were asked for were not given and therefore, there was violation of the mandate as contained in Rule 3 of the Maharashtra Zilla Parishad and Panchayat Samiti (Discipline and Appeal) Rules.

3. The report of respondent No. 5, was considered by respondent No. 3 who noted that the petitioner, had failed to reply to

the final show-cause notice and considering the report and the nature of the allegations, passed an order on 18.09.2017, withholding two increments of the petitioner. Further challenge to this order before the respondent No. 2, was turned down by the order dated 14.11.2018.

4. It is necessary to note that the petitioner, at the relevant time, occupied the post of Headmistress in the Zilla Parishad Primary School, Naiknagar, Taluka Pachora. As an Headmistress, the petitioner, is expected to lead by example and demonstrate exemplary conduct for the students to emulate. However, the conduct of the petitioner, in filing an application for leave, and then attending services, without withdrawing the application, is clearly an irregularity, which indicates the mindset of breaking a rule. It cannot be said that the petitioner was not aware of the requirement of taking back her leave application, so that she could resume services, instead of availing leave. In so far as the charge No. 2 is concerned, the record demonstrates, the non cooperation of the petitioner, with the authorities authorised to make an enquiry in this regard. Nothing prevented the petitioner, who was the Headmistress, to have rendered cooperation in the matter of enquiry. That however, does not appear to be the case. Considering the fact, that the petitioner was holding the post of Headmistress, at the relevant time, it could not have been said by her that she was not in possession of the relevant documents relating to the acquisition of the child friendly equipment or the building construction. However, her refusal to

make the same available clearly indicates not only indiscipline, but an intention to thwart the enquiry, which cannot be countenanced. The matter of discipline has become a menace of phenomenal proportion, where the breach is the norm rather than following the rule.

5. Though Mr. Thoke, learned Counsel for the petitioner submits, that the punishment awarded is in respect of a major penalty, however a perusal of Rule 4 of the Maharashtra Zilla Parishad and Panchayat Samiti (Discipline and Appeal) Rules, does not indicate so. That being so, the impugned orders, which further the cause of maintaining discipline in the ranks and file, do not call for any interference.

6. The petition, is therefore, devoid of merits and is accordingly dismissed.

(AVINASH G. GHAROTE)

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