

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

Rajesh V. Chittewan
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WRIT PETITION NO.686 OF 2021

Janta Shikshan Sanstha, Pune

And Others

... Petitioners

Versus

The State of Maharashtra

And Others

... Respondents

....

Mr. Dilip Bodake for the Petitioners.

Smt. S.S. Bhende, AGP for the State.

Mr. Nikhilesh Pote for Respondent No.3.

....

**CORAM : S.C. GUPTA AND
SURENDRA P. TAVADE, JJ.**

DATE : 24 FEBRUARY 2021

P.C. :

. This petition is filed by one Janta Shikshan Sanstha, Pune, who is a trust of different schools. It challenges an order passed by Respondent No.2-Education Officer (Secondary), Zilla Parishad, Pune for alleged breach under Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

2 The Education Officer has no power in law to review his own order. Our court has held so in a number of cases. In all these cases, directions passed by this court after quashing and setting aside the impugned orders of the Education Officers required the concerned Education Officers to issue show cause notices to the schools or teachers, as the case may be, and forward papers to their immediate superior, that is to say, Deputy Director-Education of the concerned region for appropriate orders.

3 Accordingly, this petition is allowed by quashing and setting aside the impugned order dated 23 October 2020 passed by Respondent No.2-Education Officer. As a result of quashing and setting aside the impugned order, appointments of Petitioner Nos.2, 3 and 4 shall revive. The Petitioners shall be entitled to take steps including submissions of salary bills and formalities concerning 10th Standard Examination vis-a-vis the S.S.C. Board. Respondent No.2, however, shall have liberty to issue show cause notices to the Petitioners herein and submit papers to the concerned Deputy Director-Education for appropriate orders concerning appointments of Petitioner Nos.2 to 4 and approval to such appointments. All rights and contentions of the parties in that behalf are kept open. Considering that Respondent No.3 herein, who was the complainant and at whose instance, the impugned order was passed by Respondent No.2-Education Officer, in case of any show cause notice issued to the Petitioners and any hearing to be given as a result of such show cause

notice, Respondent No.3 also shall be entitled to be heard before the concerned Deputy Director-Education. He shall accordingly be notified of the date of hearing.

4 The writ petition is disposed of in the above terms.

(SURENDRA P. TAVADE, J)

(S.C. GUPTE, J.)