

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

WRIT PETITION NO.9210 OF 2016

. Pramod S/o Santosh Bhadane
Age: 41 years, Occu: Service at present Nil
R/o: Vinod Nagar, Deopur,
District: Dhule ... Petitioner

Versus

1. The President
Unnati Mitra Mandal
Nakane Road, Deopur, Dhule
2. The Headmaster
Unnati Madhyamik Vidyalaya,
Nakane Road, Deopur, Dhule
3. The Education Officer (Secondary)
Zilla Parishad, Dhule
4. Deputy Director of Education
Nashik Division, Nashik ... Respondents

...

Mr. Prakashsing B. Patil, Advocate for the Petitioner
Miss. Nikita N. Gore holding for Mr. V. D. Sapkal, Advocate for
Respondent Nos.1 & 2
Mr. P. N. Kutti, AGP for Respondent Nos.3 & 4.

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CORAM : NITIN B. SURYAWANSHI, J.

DATE : 4th April, 2022

ORAL JUDGMENT :

1. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Advocates for the respective parties.

2. The petitioner by this petition filed Article 226 & 227 of the Constitution of India questions the legality of the impugned order passed by the Management, thereby withholding his one increment for one year without effect on the future increments. The said order is confirmed in appeal by respondent No.4/Deputy Director of Education.

3. The show cause notice dated 17/01/2014 was issued to the petitioner calling upon his explanation on four points mentioned in the said notice. In the show cause notice, the petitioner is informed that there are deficiencies in the work of the petitioner and in spite of repeated instructions, there is no improvement in the petitioner's work. The petitioner was not teaching properly and when the Director of the Institution asked certain questions to the petitioners' students, they were not in a position to answer the same. The responsibility of computer section was given to the petitioner and that was not properly handled by him. Accordingly, the petitioner was given instructions in general instruction register. However, the petitioner refused to sign the same. The petitioner does not co-operate the school in respect of nutritious diet (शालेय पोषण आहार). In that behalf also, when instruction was given to the petitioner in the general

instruction register, the petitioner read the said instructions, however refused to sign the same.

4. The petitioner replied the said show cause notice denying all the allegations, contending that the petitioner is serving with the Management since 2000 and till 2013, no written or oral instructions were ever given to the petitioner. Therefore, the Management is trying to create record against the petitioner. The petitioner further contended that when he was teaching geography in class 7th (B), the Director of institution visited class and asked the questions, which is a job of Headmaster and not of Director. The petitioner was not awarded the responsibility of the computer section and he has already furnished his explanation on 27/12/2013. The petitioner has properly discharged his responsibility in respect of nutritious diet (शालेय पोषण आहार) for which the petitioner has already furnished explanation. In communication dated 27/12/2013 in respect of confidential reports, the petitioner has already furnished explanation on 24/09/2013 claiming documents to reply the show-cause notice does not amount to paramount behaviour. The petitioner therefore requested to drop the show-cause notice.

5. By the impugned order dated 18/02/2014, the Management by rejecting the explanation of the petitioner imposed punishment withholding one increment of the petitioner for one year without effect on the future increments. The petitioner challenged the said order by filing an appeal. Initially, the said appeal was allowed by respondent no.4 by order dated 21/07/2014. The said order was challenged by the Management by filing Writ Petition No.8929/2014. This Court by order dated 27/11/2015 remanded back the appeal to respondent No.2 for decision on merits by taking into consideration Rules 31 & 32 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

6. After the remand, by the impugned order dated 29/02/2016, the appeal filed by the petitioner came to be dismissed by respondent no.4.

7. Having heard the rival submissions of the learned Advocates for the respective parties and on perusal of record, it is clear that the petitioner has failed to sign the instruction register though he read the instructions in the same. Therefore, the petitioner has committed lapses in his duty. Taking into consideration these aspects, respondent no.4 has rightly dismissed the appeal filed by the

petitioner. I do not find any illegality or perversity in the impugned order passed by respondent no.4.

8. The learned Advocate for the petitioner has made a grievance that though the increment of the petitioner was stopped only for one year without future effect till date, the increments of the petitioner are not released. The petitioner may agitate his grievance in that behalf before appropriate forum.

9. For the aforestated reasons, no merit is found in the present petition. Hence, writ petition is, therefore, dismissed. No costs.

[NITIN B. SURYAWANSHI, J.]

Sameer