

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

WRIT PETITION NO. 5120 OF 2022

Sharad Shikshan Prasarak Mandal
Thr. President Mrs. Nanda N. Suryavanshi ...Petitioner
vs.
The State of Maharashtra
Thr. Secretary School Education Dept. and Ors. ...Respondents

Mr. N. V. Bandiwadekar i/by Adv. Ashwini Navjyot Bandiwadekar -
Advocate for the Petitioner
Mr. S. L. Babar - AGP for the Respondent-State
Mr. Yuvraj Gharat – Advocate for Respondents

**CORAM : S.V. GANGAPURWALA AND
S. M. MODAK, JJ.**

DATE : 13th JULY, 2022

P. C. :-

1. The Respondent No. 3 is under suspension. The inquiry was initiated against him. He has filed RCS No. 132 of 2020. The 2nd Civil Judge, Jr. Division Peth Vadgaon under Order dated 04/12/2021 allowed the application at Exh. 41 and restrained defendant Nos. 1 and 2 therein from conducting inquiry proceeding against him till final decision of the Exh. 5.

2. In view of that Order, the Petitioner is restrained from the proceeding further with the inquiry and further steps. However prior to that Respondent No. 3 is under suspension, under impugned Order the

Education Officer has given signing authority to the Respondent No. 3. The Order giving powers of signing was up to 31/05/2022. It is submitted that the same is also extended (page 88).

3. It would not be inappropriate to allow the Respondent No. 3 to proceed with the signature.

4. It is further submitted that the Petitioner was not heard before the Order was passed.

5. In light of that, we pass the following Order:

- (i) The impugned Order is quashed and set aside.
- (ii) The parties are relegated before the Education Officer.
- (iii) The Education Officer shall consider the stand of the Petitioner so also Respondent No. 3 and take decision afresh on its own merits.
- (iv) The parties shall appear before the Education Officer on 01/08/2022.
- (v) With regard to the signing, the Petitioner may approach the Education Officer for necessary orders.

6. Writ Petition is disposed of. No costs.

[S. M. MODAK, J.]

[S.V. GANGAPURWALA,J.]