

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 2901 OF 2019

PETITIONERS :-

1. Ku.Sangita Shamrao Deshmukh,
Age 48 yrs, Occup.Service,
R/o Siddhivinayak Apartment, Rautwadi
Akola,Tq. And Dist.Akola.
2. Padma Keshavrao Wadatkar,
Age 43 yrs, Occup. Service, R/o Gajanan
Nagar, Telhara, Tq.Telhara, Dist.Akola.
3. Ku.Anuradha H. Bharsakle,
Age 41 yrs, Occup. Service, R/o Gayatri
Nagar, Telhara, Tq.Telhara, Dist.Akola.
4. Ganesh Shankarrao Kukde,
Age 42 yrs, occup. Service, R/o Gayatri
Nagar, Telhara, Tq.Telhara, Dist.Akola.
5. Shailesh Jaydeorao Bharate,
Age 42 yrs. Occup.Service, R/o Near
Kalash Mangal Karyalaya, Mothi-Umari,
Akola Tq. And Dist.Akola.
6. Ravindra Vishwanath Gomase,
Age 42 years, Occup.Service, R/o At
Sangrampur, Tq. Sangrampur, Dist.Akola.
7. Ganesh Mahadeorao Phule,
Age 41 years, Occup.Service, R/o C/o
Eknath Patil, Maratha Nagar, Akola,Tq.
And Dist.Akola.

8. Mahadev Suyabhan Chandangole,
Age 45 years, Occup.Service, R/o
Shivsena Vasahat, Bajrang Chowk, Old
City, Akola, Tgq. And Dist.Akola.

...VERSUS...

RESPONDENTS:

1. Education Officer (Sec), Zilla
Parishad,Akola.
2. Superintendent of Pay Unit,
C/o Education Officer (Sec.), Zilla
Parishad,Akola.
3. Akash Shikshan Sanstha, through its
President, Laxmi Nagar, Murtizapur
Road, Akola Tq. And Dist.Akola

Mr. P.S. Patil, counsel for petitioners.
Ms.H.N.Jaipurkar, AGP for respondent Nos.1 and 2.

**CORAM : SUNIL B.SHUKRE &
SMT. M.S.JAWALKAR, JJ.**

DATE : 25.04.2022.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally
by consent of the learned counsel appearing for the parties.

3. The impugned order dated 27.02.2019 passed by the
Education Officer, Secondary cannot be upheld by us for the
reason that it has been passed mechanically by the Education

Officer.

4. Earlier, the Education Officer had pointed out by his written communication dated 29.01.2019 to the Management that there were certain deficiencies in the proposal of the management. The proposal was for release of the salary bills of the teaching and non teaching staff. Nine deficiencies pointed out by the Education Officer in his communication dated 29.01.2019, which according to the School Management, were removed by the Management and point by point reply was accordingly sent by the Management vide it's letter dated 13th February 2019 to the Education Officer. We have gone through both these letters dated 29.01.2019 and also 13.02.2019 and we find that the deficiencies communicated to the Management vide letter dated 29.01.2019 have been stated to be removed by the Management in it's letter dated 13.02.2019. If this is so, there was no reason for the Education Officer to have once again reiterated his stand that the Management failed to remove the deficiency Nos.1 to 5 from out of nine deficiencies in total.

5. Now, if we consider these deficiencies point wise, the position that emerges is as follows:-

Sr. No	Deficiencies	Response
1.	Copy of Writ Petition No.7593 of 2018 not annexed.	Copy of Writ Petition No.7593 of 2018 is awaited.
2.	School recognition order up till 30.04.2019 not annexed.	School recognition order granting recognition up to 30.04.2017 was already sent and grant of further proposal was pending.
3.	Copy of the order approving appointment of the Head Master and granting and confirming of administrative authority not annexed.	Proposal in that regard forwarded to the Education Officer and no order till date was received by the School Management.
4.	Staffing pattern approval for the year 2016-17 to 2018-19 was not annexed.	Staffing pattern approval order for the academic year 2016-17 was annexed and further approval order was awaited from the office of Education Officer
5.	The order of Deputy Director of the Education allotting Shalarth ID was not annexed.	Shalarth ID was allotted and copy of the concerned pay bill was annexed.

6. The deficiencies pointed out by the respondents and response to each of the deficiencies by the Management would

show that except for annexing the copy of the Writ Petition, all other deficiencies barring deficiency at item No.5, had arisen because of pendency of the proposals with the office of the Education Officer himself and therefore, Education Officer ought not to have refused to release the salary grants for something for which the School Management was not responsible. About sending of copy of the Writ Petition No. 7593 of 2018, the learned counsel for the petitioner submits that the School Management is ready to submit the same to Education Officer.

7. In view of above, we find that the Education Officer, ought not have outrightly rejected the proposal of the school Management on the ground that deficiency Nos. 1 to 5 have not been removed by the School Management. We, thus, partly allow the Writ Petition and quash and set aside the impugned order. The matter is remanded back to the respondent No.1 for reconsideration and decision afresh in accordance with law.

8. We direct the petitioner to submit a copy of the Writ Petition No.7593 of 2018 to respondent No.1 within a period of

one week from the date of the order.

9. On receipt of the copy of the Writ Petition, Respondent No.1 shall take appropriate decision in the matter, at the earliest, and in any case within eight weeks from the date of receipt of copy of the order.

(SMT. M.S.JAWALKAR, J)

(SUNIL B. SHUKRE,J)