

WRIT PETITION NO.8460/2018

- Versus -

Shri N.S. Rao, Assistant Government Pleader for Respondent
Nos.1 and 2.

DATE : 4 APRIL 2022

P.C. :

On 29 March 2022, the following order was passed :

"By order dated 15 March 2022, following order was passed :-

"The learned Assistant Government Pleader seeks time to file additional affidavit on behalf of the Education Officer (Secondary) Zilla Parishad, Gadchiroli as to the statutory provisions under which the Education Officer was empowered to issue the impugned directions. The additional reply to be filed within a period of two weeks from today.

Stand over to 29 March 2022."

2. The Education Officer, held that the deceased husband of the Petitioner who was a Head Master in the Respondent No.4 School did not perform his duty properly and the non salary grant was not received by the concerned school and consequently the school could not pay the rent of the premises to the landlord and on that ground the Education Officer holding the husband of the Petitioner guilty, accordingly directed that the amount towards rent is recoverable from the husband of the Petitioner. He has further directed that after recovery, the amount should be paid to the landlord. The learned Counsel for the Petitioner states that landlord is the Secretary of the Respondent-Management. Prima facie this indicate an abuse of power.

3. Learned A.G.P. is not able to point out under which statutory provision the Education Officer has passed such an order.

4. Let the Education Officer remain present on the next date to inform the Court under which statutory

provision the order was passed, and if there was no such provision, why necessary legal advice was not sought.

5. Stand over to 4 April 2022.

6. To be listed under the caption "for Directions".

7. If the Education Officer does not remain present on the next date to justify the stand, coercive action will be taken."

2. The learned Assistant Government Pleader states that Respondent No.2- Education Officer (Secondary) has examined the matter. The Petition was called out in the morning session, when the Education Officer and the Petitioner were present, it was adjourned to the second session so that the pending grievances of the Petitioner could be resolved.

3. The learned Counsel for the Petitioner and learned Assistant Government Pleader state that the Education Officer has undertaken to take necessary steps and has also signed a joint Pursis which we take on record and mark as 'X' for identification. We are informed that the Education Officer has also given a letter of apology addressed to the Petitioner for the mental harassment caused to the Petitioner. The learned Assistant Government Pleader states that the Education Officer has

assured that he will conduct himself properly in future and will not give cause to such order.

4. In light of this position and joint Pursis and the apology tendered by the Education Officer, it is not necessary to proceed further.

5. Accepting the statements made in the joint Pursis, we dispose of the Writ Petition.

(ANIL L. PANSARE, J.)

(NITIN JAMDAR, J.)