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

908 WRIT PETITION NO.13742 OF 2023

**GANESH RAJARAM BORALE AND OTHERS  
VERSUS  
THE STATE OF MAHARASHTRA THROUGH ITS  
PRINCIPAL SECRETARY AND OTHERS**

....  
Mr Y. B. Bolkar, Advocate h/f Mr P. D. Bachate, Advocate for  
Petitioners;

Mr V. M. Kagne, A.G.P. for Respondents/State

**CORAM : RAVINDRA V. GHUGE  
AND  
Y. G. KHOBRAGADE, JJ.**

**DATE : 3rd November, 2023**

**PER COURT:**

1. This is a classic example of abuse of Authority, by the  
Education Officer.

2. One lady employee of the school, namely, Sau.  
Mangalatai Ramesh Sonavane Secondary School at Kakarda  
Digar, Tq. Shahada, Dist. Nandurbar, was terminated by the  
Management on 29/04/2022. By an order dated 12/09/2022,  
which is impugned in this Writ Petition, Respondent  
No.3/Education Officer (Secondary) (Dr. M. V. Kadam), Zilla  
Parishad, Nandurbar, took up cudgels on behalf of that terminated  
the employee, with the Management. He has stated in the

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impugned communication that, because a lady employee was unfairly treated and a response was not tendered by the Management, and instead the Management raised questions in their communication, dated 21/06/2022, about the conduct of the Education Officer, that the said officer has directed by the impugned communication that, until a response is tendered by the Management, none of the employees of the said School would be paid their salaries.

3. The learned A.G.P. has taken instructions from the concerned Education Officer, after we granted an adjournment on 01/11/2023 and submits that, since the Management was not submitting a response to his office with regard to the termination of the said employee, that the Education Officer had stopped the salaries of all the employees and he would withdraw the said order, today itself.

4. The learned Advocate for the Petitioners submits that, it is this Education Officer, who has compelled the Petitioners to spend on litigation and approach this Court after suffering the agonies on account of non-payment of salaries for the months of August 2023 on-wards.

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5. It is obvious that the Education Officer has over indulged in this matter. The impugned order is more to terrorize the Management. When the said terminated employee has a statutory remedy under Section 9 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977, the impugned communication has a semblance of the Education Officer taking law in his hands.

6. In view of the above, **this Writ Petition is allowed.** The impugned order is quashed and set aside. We direct that the then Education Officer, who has passed the impugned order, shall pay interest @ 5% p.a. on the unpaid salaries to each of all these Petitioners/each of the aggrieved employees as they had to suffer the deprivation of salaries from August 2023 on-wards. The quantum of interest shall be paid by the Education Officer from his salary Bank Account.

**(Y. G. KHOBRADE, J.)**

**(RAVINDRA V. GHUGE, J.)**

sjk