

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

WRIT PETITION NO.3094 OF 2022

1. Sudhir Shikshan Sanstha,
168, Omnagar, Nagpur,
through its President.
2. Rajesh Kashinath Masurkar,
Aged – 54 Years,
Occupation – Service.
Headmaster, Sarvashri Madhyamik
Vidyalaya, Sarvashrinagar, Nagpur. **PETITIONERS**

...V E R S U S...

1. Deputy Director of Education,
Nagpur Division, Nagpur.
2. The Education Officer (Sec.),
Zilla Parishad, Nagpur. **RESPONDENTS**

 Mr. P. N. Shende, Advocate for Petitioners.
 Mr. S. M. Ukey, Addl GP for Respondents 1 & 2/State.

CORAM: **ROHIT B. DEO AND Y. G. KHOBRAGADE, JJ.**
DATE: **13th FEBRUARY, 2023.**

ORAL JUDGMENT: **(PER ROHIT B. DEO, J.)**

Heard. Rule. Rule made returnable forthwith by
 consent of the learned counsels for the parties.

2. The challenge is to the orders dated 21.09.2022 and
 31.01.2022 rendered by the respondent 1 – Deputy Director of

Education and respondent 2 – Education Officer (Sec.), Zilla Parishad, Nagpur respectively.

3. Petitioner 2 is the Head Master of Sarvashri Madhyamik Vidyalaya which is an institution managed by petitioner 1 society. While directing that the proposal for including the name of a teacher Ms. Kiran Bhujade in the *Shalarth Pranali* be submitted by the school management, the Education Officer ordered that till the proposal is submitted by the School Management, the salary of petitioner 2 shall be withheld. The said order is confirmed by the Deputy Director of Education vide order dated 31.01.2022.

4. In the present matter, we are not inclined to address the larger question whether such orders directing that the salary of the Head Master be withheld are justified.

5. We accept the statement of the learned counsel for the petitioner Mr. P. N. Shende that as a fact the proposal for including the name of the teacher concerned Ms. Kiran Bhujade was already sent prior to the orders impugned, and as abundant precaution is re-sent on 31.01.2022.

6. We dispose of the petition by directing the respondents to forthwith release the salary grant as regards the petitioner 2 for the period from 01.09.2021 till date.

7. The petition is disposed of.

(Y. G. KHOBRADE, J.)

(ROHIT B. DEO, J.)

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