



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

Writ Petition No.1972/2018

(Shantiniketan Shikshan Sanstha and another V State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Chiwarkar, Advocate h/f Mr. Anand Parchure, Advocate for petitioners.
Mr. Z.Z. Haq, Advocate for intervenor.
Ms N.P. Mehta, Addl.GP for resp. nos. 1 and 2.
Mr. I.L. Bodade, Advocate for resp. no.3.

CORAM : Nitin W. Sambre & Abhay J. Mantri, JJ

DATE : 06-08-2024.

Heard learned Counsel for the petitioners.

ii. The challenge in the petition is to the order dated 08-03-2018 passed by the respondent No.3 Education Officer (Primary), Zilla Parishad, Nagpur, whereby the report of the inquiry conducted by the Committee was forwarded to the State Government for appropriate action in the matter of issuance of shifting order in favour of the petitioner School on 17-07-2013, which was subsequently modified on 19-08-2014.

iii. It appears that the inquiry report is still pending consideration before the State Government for further orders.

iv. The Education Officer, pending consideration of the inquiry report has ordered stoppage of salary, by which the petitioners are aggrieved.

This Court has already stayed the said direction of respondent No.3 Education Officer (Primary), Zilla Parishad, Nagpur.

v. We are informed that pursuant to the interim order, salary of the staff of the petitioner school is already released.

vi. In this background, we deem it appropriate to partly allow the petition, thereby quashing the impugned order dated 08-03-2018 by observing that there was no occasion for the respondent Education Officer to withhold the salary of the employees of petitioner no.2 school managed by petitioner no.1 society. As such, we direct that the respondent no.3 shall continue to pay the salary of the employees of respondent no.2 school till the State Government takes decision on the recommendations of Education Officer based on the inquiry report dated 26-08-2017.

vii. As such, the petition stands partly allowed.

viii. In view of the aforesaid order, we also dispose of the application for intervention.

ix. We deem it appropriate to relegate the intervenor to take recourse to such remedy as permissible in law.

(Abhay J. Mantri, J.)

(Nitin W. Sambre, J.)