



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.4694 OF 2025
IN WP/1008/2025

WITH
WRIT PETITION NO.1008 OF 2025

BALASAHEB SOMNATH KALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for Applicant : Mr. Hemraj P. Kshirsagar
AGP for Respondents: Mr. V.M. Kagne
Advocate for respondent Nos.4 and 5 : Mr. Sanjay N. Gaikwad h/f.
Mr. Niteen V. Gaware
...

CORAM : MANISH PITALE &
Y. G. KHOBRAGADE, JJ.

DATE : 07.07.2025

PER COURT:

1. Heard the learned counsel for the Petitioner, the learned AGP for Respondents Nos.1 to 3 and the learned counsel appearing for Respondents Nos.4 and 5.
2. By this Petition the Petitioner is challenging order of suspension dated 02.01.2025 issued by Respondent No.4 i.e. the President of the Respondent Society running the School, as also order/communication dated 27.12.2024 issued by the Respondent No.3 – Education Officer granting permission for suspending the Petitioner and

issuing further directions for constituting an inquiry committee as per Rule 36 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

3. The principal ground being raised on behalf of the Petitioner is violation of principles of natural justice. We have perused the record, particularly the impugned suspension order dated 02.01.2025 and the aforesaid order dated 27.12.2024 passed by the Respondent – Education Officer. Considering the allegations levelled against the Petitioner of having physically assaulted the Headmaster of the School and having perused the documents placed on record, we are of the opinion that in view of permission granted by the Respondent – Education Officer to suspend the Petitioner pending inquiry, no fault can be found in the impugned suspension order dated 02.01.2025.

4. We are informed that the Petitioner is not cooperating in constitution of the inquiry committee since he has not properly forwarded the name of his nominee on the Enquiry Committee and that he is consistently remaining absent during the proceeding of the inquiry.

5. It is settled law that an order of suspension can be interfered with on very limited grounds, including lack of power with the authority suspending the employee and circumstances demonstrating that such an order has been maliciously or vexatiously issued.

6. None of the aforesaid circumstances exist in the present case and, therefore, we are not inclined to entertain the present Petition.

7. In so far as the allegation of violation of principles of natural justice is concerned, the documents on record do not support such an assertion made on behalf of the Petitioner. He is at liberty to cooperate with the process of inquiry so that if he is innocent he would come clean in the process of inquiry.

8. The Petitioner has failed to make out the case for exercising writ jurisdiction.

9. Hence, the Petition is dismissed. Pending Application is also dismissed.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)