



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6767 OF 2025

Nagnath S/o Malaji Shinde

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

...
Advocate for petitioners : Mr. Sujeet G. Karlekar with Advocate I.D. Maniyar
AGP for the respondent – State : Mr. S.P. Sonpawale
Advocate for respondent no. 5 : Mr. K.N. Shermale h/f. Mr. U.A. Sayyed
...

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

DATE : 09 JULY 2025

ORAL ORDER (PER – MANISH PITALE, J.) :

Heard learned counsel for the petitioner, learned AGP for the respondent – authorities and learned counsel appearing for respondent no. 5.

2. The petitioner herein is a serving Education Officer (Secondary) presently posted at Latur and at the relevant time was the Education Officer (Secondary) at Beed. He has approached this Court raising objection to communication addressed by the Desk Officer of the School Education and Sports Department of the Government of Maharashtra whereby the Commissioner (Education) has been directed to conduct a preliminary enquiry on a complaint received with

regard to alleged corruption in the matter of grant of approval to appointments of teachers in district Beed.

3. Learned counsel for the petitioner informs this Court that in pursuance of the said communication, on 22.05.2025, the Joint Director of Education has written to the Divisional Deputy Director of Education, calling upon the said officer to conduct enquiry into the individual cases of transfers and approvals etc. by seeking information from the petitioner who was then working as the Education Officer (Secondary) at Beed. At this stage, learned AGP informs this Court that in pursuance of the communication dated 22.05.2025, on 09.06.2025, the Divisional Deputy Director has constituted a four member committee consisting of the Assistant Director of Education, Education Officer (Secondary), Hingoli, Junior Administrative Officer and a Senior Clerk of the Divisional Deputy Director's office to conduct enquiry and to submit report.

4. Learned counsel for the petitioner submits that such initiation of enquiry on the basis of complaint lodged by a complete stranger i.e. respondent no. 5, is wholly impermissible and in support of the said contention reference is made to Government circular dated 18.02.2025. It is submitted that the said Government circular issued on the basis of judgment of this Court passed in writ petition no. 5973 of 2020 (***Hemraj Jagannath Fegade Vs. The State of Maharashtra and***

others) specifies that no such complaint from a third party or stranger shall be entertained against educational institutions for initiating an enquiry into the appointments of teachers and other staff. It is submitted that the said Government circular ought to apply in the facts of the present case and this Court may consider allowing the present writ petition by setting aside the impugned communication / order dated 21.05.2025, so that all the consequent action is nullified.

5. Learned AGP appearing for respondents no. 1 to 4 and learned counsel appearing for respondent no. 5 have opposed the aforesaid contentions by submitting that the afore-mentioned Government circular dated 18.02.2025 cannot apply to the facts of the present case and the petitioner, being a serving officer of the State Government, is not entitled to file such a petition before this Court to stall an enquiry, which may lead to revelation of corruption as alleged in the original complaint. It is submitted that in such circumstances, this Court may not exercise writ jurisdiction.

6. We have considered the rival submissions in the light of the documents brought to our notice. One of the contentions raised on behalf of the respondents is that original complaint dated 16.04.2025 is vague with no particulars and a roving and fishing enquiry is now being instituted at the behest of respondent no. 5, who is a complete stranger

to the functioning of the Education department and the manner in which approvals are granted to appointments, transfers etc.

7. We have perused the Government circular dated 18.02.2025. It is undoubtedly based on the aforesaid judgment of this Court, wherein judicial notice is taken of the fact that complete strangers are filing complaints against educational institutions on the aspect of appointments, approvals etc., due to which not only the educational institution is suffering but the employees are also facing the heat. The Government circular specifies that no such complaint by a third party or stranger is to be entertained against educational institutions, inter alia, because such complaints, if entertained would have a detrimental effect on the employees of the institution also.

8. We are of the opinion that the said Government circular cannot enure to the benefit of the petitioner. It is an admitted position that the petitioner is a serving officer being the Education Officer (Secondary) and at the relevant time was serving at Beed, in respect of which said complaint has been lodged. The Minister of the concerned department has put a remark on the complaint that it may be examined by the department of education. It is this remark that has led to issuance of communication dated 21.05.2025 from the Desk Officer of the concerned department to the Commissioner (Education) of the respondent – State. The peoples representative has indicated that the

complaint may be examined and it is in pursuance thereof that initial enquiries were made. Thereupon, by the said communication dated 22.05.2025, the Joint Director of Education, after taking into consideration the documents produced by the petitioner as the Education Officer (Secondary) at the relevant time serving at Beed, opined that further enquiry may be conducted regarding individual cases to examine as to whether there is any substance in the allegation of widespread corruption. This has led to constitution of the aforesaid committee by the Divisional Deputy Director of Education.

9. We are of the opinion that such enquiry contemplated on the basis of the afore-mentioned communication, cannot be brought to a naught at the instance of the petitioner who himself is a serving Government official and at the relevant time was posted as Education Officer (Secondary) at Beed.

10. This petition appears to be an attempt on the part of the petitioner to nip the enquiry in the bud. If the petitioner has nothing to hide, there is no reason for him to rush to the writ Court to seek such a direction. Therefore, we do not find any merit in the present petition.

11. Nonetheless, we are of the opinion that the principles of natural justice will have to be followed by the said committee while

conducting such an enquiry and that there ought not to be any attempt at witch hunting and victimization.

12. The Divisional Deputy Director is directed to ensure that principles of natural justice are followed in letter and spirit and while conducting the said enquiry, there is no attempt at victimizing individuals or witch hunting.

13. With these observations, the petition is disposed of.

[Y.G. KHOBRAGADE]
JUDGE

[MANISH PITALE]
JUDGE

arp/