



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

953 WRIT PETITION NO. 3480 OF 2022

Sunil s/o Yogiraj Lakhe,
Age-58 years, Occu. Service
as Assistant Teacher, Zilla Parishad Secondary School
(Boys), Ambajogai, Dist. Beed ... Petitioner

VERSUS

1. The State of Maharashtra
Through its Secretary,
Rural Development Department,
Mantralaya, Mumbai - 32.
2. The Additional Divisional Commissioner,
Aurangabad.
3. The Chief Executive Officer,
Zilla Parishad, Beed.
4. The Education Officer (Primary),
Zilla Parishad, Beed ... Respondents

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Mr. Sahebrao A. Nagarsoge, Advocate for the Petitioner
Mr. Rajdeep D. Raut, AGP for Respondent Nos. 1 & 2.
Mr. Umesh S. Mote, Advocate for Respondent Nos.3 & 4

...

WITH
CIVIL APPLICATION NO. 11187 OF 2023 IN WP/3480/2022

Sunil Yogiraj Lakhe
VERSUS
The State Of Maharashtra And Others

...

CORAM : ROHIT W. JOSHI, J.
DATE : 21st AUGUST, 2025

ORAL JUDGMENT :

1. Punishment of withholding one increment on permanent basis

came to be imposed against the petitioner vide order dated 24.06.2019 passed by respondent no.4-Education Officer. The petitioner preferred appeal against the said order before respondent no.2 which came to be dismissed vide order dated 15.02.2021. The present petitioner is preferred challenging the said order.

2. The order withholding increment on permanent basis is a major penalty under Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964, as has been held by Division Bench judgment of this Court in the matter of *Narendra s/o Motiram Bodkhe Vs. Additional Commissioner, Nagpur* reported in 2006 (5) Mh.L.J. 229. The procedure prescribed for imposing major penalty is prescribed under Rule 6 of the said Rules. The said provision contemplates framing of definite charges on the basis of allegations and also recording of evidence during the course of enquiry. Admittedly, in the present case, charge is not framed and procedure contemplated under Rule 6 for imposition of major penalty is not followed.

3. In that view of the matter the impugned orders are unsustainable and are liable to be quashed and set aside. Writ Petition is **allowed**.

4. Order dated 15.02.2021, passed by the Additional Divisional

Commissioner, Aurangabad in Appeal No.2019/73/Appeal/Cell/69 and the order dated 24.06.2019 passed by respondent No.4-Education Officer are quashed ad set aside. However, opportunity is granted to the respondent nos.3 and 4 to conduct fresh enquiry against the petitioner in accordance with law, if permissible, having regard to the fact that the petitioner has retired from service in the year 2021.

5. Pending civil application is disposed of accordingly.

[ROHIT W. JOSHI J.]