



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

WRIT PETITION NO.9484 OF 2025

Savita W/o Sidhgonda Birge,
Age-51 years, Occu:Service,
R/o-Chhatrapati Nagar, Purna Road,
Nanded, Taluka and District-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai,
- 2) Deputy Director of Education,
Latur Region, Latur.

...RESPONDENTS

...
Mr. Ankush N. Nagargoje Advocate for Petitioner.
Mr. S.D. Ghayal, A.G.P. for Respondent Nos. 1 and 2.
...

**CORAM: SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATE : 8th OCTOBER, 2025

ORDER [PER SMT. VIBHA KANKANWADI, J.] :

1. Present Petition has been filed for following reliefs:-

"A) For writ of certiorari, Order or direction in the nature of certiorari calling for the record and proceeding of the Impugned Order dated 20.06.2025 (**Exhibit 'F'**), passed by the respondent No.2 and after examining the legality, validity and propriety thereof, the Impugned Order referred above may kindly be quashed and set-aside to the extent of initiation of disciplinary action/proceeding against the petitioner."

2. The petitioner was working as education officer (primary), Zilla Parishad, Nanded. She is challenging the order dated 20th June 2025 passed by respondent No.2 to the extent of proposing disciplinary action against her on account of alleged irregularities in the matter of absorption of surplus teachers. The petitioner states that without granting any opportunity of hearing to her and without there being any fault on her part, respondent No.2 has proposed the disciplinary action against her.

3. Learned Advocate for the petitioner submits that the impugned order has been passed pursuant to the complaint dated 16th April 2025, filed by one S.M. Handewar, primary teacher. He contended that though he was senior most teacher, still by ignoring his seniority, junior teacher namely, Smt. S.K.

Anmulwad was absorbed in Kasturba Gandhi Primary School, Vasantnagar, Nanded. The petitioner has stated as to what prompted her to take the said decision and then she states that respondent No.2 without hearing her, has proposed the disciplinary action. No show cause notice was issued to the petitioner.

4. The first and foremost fact to be noted is that the petitioner, who is not party to the order, cannot challenge the order. Now there are certain observations in respect of her decision by respondent No.2. Respondent No.2 is senior officer of the petitioner. He found that there are some irregularities committed by the petitioner while passing the order of absorption and therefore, he proposed the disciplinary inquiry. Only for the proposed disciplinary inquiry, this Court cannot exercise its constitutional powers. The petitioner has not come with the case that upon the said recommendation, decision has been taken by the department to hold disciplinary action against her. The superior, while dealing with the appropriate proceeding, would be within limits to make observations regarding irregularities and even proposal for disciplinary inquiry. It would

be then for the further superiors and the department, whether to initiate such departmental inquiry or not.

5. The Petition appears to be premature. Therefore, the Writ Petition stands rejected at the threshold.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE

asb/OCT25