



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

920 WRIT PETITION NO.13391 OF 2025

Bhadgaon Taluka Urdu Education Society Through It's Authorized
Member Mukhtyar Shah Mohd. Shah

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for Petitioner : Mr. L. V. Sangit

AGP for Respondents : Ms S. S. Joshi

CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAOKAR, JJ.

Dated : November 27, 2025

PER COURT :-

1. Heard learned advocate for the petitioner.
2. Present petition has been filed for directing Respondent nos.1 to 3 to initiate Departmental Inquiry against respondent no.4 in respect of his bogus B.Ed. Degree and to take appropriate action for recovery of the salary paid to him.
3. Learned advocate for the petitioner submits that petitioner is a Minority Institution registered with Minority Development Department on 9.5.2013. Present body came to be elected in General Body Meeting dated 24.10.2024 for the period of November 2024 to October, 2029. Petitioner-Society is running Anglo Urdu High School from 5th Standard to 10th

Standard at Bhadgaon Town. Petitioner is a registered Public Trust. Respondent no.4 was appointed as 'Assistant Teacher' and subsequently, he has been promoted as 'Head Master' by the elected body at the relevant time. According to the petitioner, upon information received from the school, respondent no.4 came to be appointed as "Trained Under Graduate Teacher (D.Ed.). In the year 2003-2004 one Division of standard 8th and 9th was reduced and, therefore, three teachers were declared surplus including respondent no.4. Thereafter, in 25% quota of Trained Graduate category for 5th to 7th standard approval was then granted by the Education Department. In fact, when no such vacant post was available with the school. According to the petitioner, at the time of granting Trained Graduate Pay Scale to respondent no.4, he had not passed the B.Ed. Degree. Subsequently, he obtained degree of "Shiksha Visharad" from Hindi Sahitya Sammelan, Prayag (Uttar Pradesh), which is not an authorized and approved Institution by the State of Maharashtra. It is not the degree equivalent to B.Ed. Under such circumstances, petitioner has made said prayer and seek directions that they had issued notice to respondent no.4 as well as given

applications to respondent nos.2 and 3 for appropriate action against respondent no.4.

4. The first and foremost fact that is required to be considered is, appointment of the respondent no.4 was by the Trust and not by the Body, which subsequently gets changed after election. Now, the present body is coming with a case that the degree of respondent no.4 is not equivalent to B.Ed. or not recognized in the State of Maharashtra. In fact, promotion was granted by the Institution itself. Proposal for approval of the appointment and promotion were given by the Institution and, now the Institution itself cannot come with a case that degree of respondent no.4 is not recognized. It is not the case of the petitioner that respondent no.4 has suppressed any fact. Certainly, alongwith the promotion or giving pay scale, the said degree might have been considered by the Trust. With the change in the body, no new powers are given to undo the acts which have been done by the earlier Body. Further, upon query, it has been submitted that the Authorized Member, who has filed the petition and the other some members were also the members of the Trust when respondent no.4 came to be appointed or at the time of his promotion. Under such

circumstance, when the petitioner wants to set the clock in anti-clock wise direction since the 2004, obvious question would be what other members were doing for all these years. It will have to be then considered that when they were the part of the same Trust, the other members then allowed the illegality to continue. Therefore, in view of these circumstances, we do not take this to be a fit case where this Court should exercise its powers under Article 226 of the Constitution of India.

5. Learned advocate for the petitioner is pointing out the communication by the Deputy Director of Education, Nagpur Division, who has given letter dated 17.7.2025 to the Education Officer, wherein, it was found by her that similar degree or degree obtained from the unauthorized colleges have been produced, then, the inquiry has been ordered. Here we would distinguish the fact that here the petitioner, who was the party to the alleged illegality, is coming forward for taking action, but from the letter dated 17.7.2025, we are unaware about as to who has brought the said fact to the notice of the concerned authority. Therefore, only on the basis of said letter, Departmental Inquiry cannot be ordered.

6. Writ Petition stands **dismissed**. No costs.

(HITEN S. VENEGAVKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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