



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10603 OF 2025
WITH
CIVIL APPLICATION NO. 10231 OF 2025
IN
WRIT PETITION NO. 10603 OF 2025

Qamrunnisa Begam Ikaramuddin Shaikh

VERSUS

The State of Maharashtra Through Principal Secretary And Others

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WITH
WRIT PETITION NO. 10771 OF 2025
WITH
CIVIL APPLICATION NO. 10232 OF 2025
IN
WRIT PETITION NO. 10771 OF 2025

Pradnya Shankarrao Kale And Another

VERSUS

The State of Maharashtra Through Principal Secretary And Others

...

WITH
WRIT PETITION NO. 10790 OF 2025

Shaikh Badshah Usman And Another

VERSUS

The State of Maharashtra Through Principal Secretary And Others

...

WITH
WRIT PETITION NO. 10802 OF 2025
WITH
CIVIL APPLICATION NO. 10398 OF 2025
IN
WRIT PETITION NO. 10802 OF 2025

Ishwar Baburao Ghorude and Others

VERSUS

The State of Maharashtra Through Principal Secretary And Others

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**WITH
WRIT PETITION NO. 10834 OF 2025**

Ishwar Baburao Ghorude and Others

VERSUS

The State of Maharashtra Through Principal Secretary And Others

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- **Mr. R. N. Dhorde**, Senior Advocate i/by Mr. P. S. Dighe a.w Mr. S. S. Dudhane, Advocate for the petitioners in WP/10603/2025
- **Mr. S. V. Deshmukh**, Advocate for the Petitioners in WP Nos. 10771/2025, 10790/2025, 10802/2025, 10834/2025
- **Mr. A.R. Kale, Addl.GP, Mr. V. M. Kagne**, AGP for respondents – State
- **Mr. K. M. Suryawanshi**, Advocate for Respondent No. 3 – University
- **Mr. H. P. Randhir**, Advocate for Respondent – the Secretary of the Management
- **Ms. Mumtaz Shaikh a/w Mr. Salman Shaikh**, Advocate for Respondent No. 6 in WP/10802/2025
- **Mr. N. S. Raole, Advocate h/f. Mr. Sushant Dixit**, Advocate for Respondent No. 9 in WP/10802/2025
- **Mr. Siddiqui Mohd. Faizuddin**, Joint Secretary – Respondent No. 8 in WP/10802/2025

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

DATE : 23.09.2025

ORDER (Per – Manish Pitale, J.) :

1. These writ petitions have been filed by the employees of Kohinoor Arts, Commerce & Science College, Khultabad, Dist. Chhatrapati Sambhajnagar, presenting before this Court an alarming state of affairs in respect of the functioning of the said college.

2. Six teaching staff and two non-teaching staff have filed writ petition Nos. 10771 of 2025, 10603 of 2025, 10790 of 2025 and 10834 of 2025, challenging the suspension orders issued against them by the Kohinoor Shikshan Sanstha, i.e. the management of the said college, signed by the respondent – Asma Mazar Khan, who is the Secretary of the said Sanstha. Her husband – Mazar Khan is the President of the said Sanstha.

3. Writ petition No. 10802 of 2025, is filed by 68 out of 75 employees of the said college praying for a direction to the respondent – State Authority to appoint an Administrator on the said college and to transfer its management from the present office bearers. It is highlighted that several First Information Reports (FIR) have been registered against the office bearers, as also respondent No. 9 in the said petition. In all these petitions, the petitioners have sought urgent *interim* orders.

4. On 04.09.2025, this Court issued notice in these petitions. On 16.09.2025 the petitions were got circulated due to incidents that took place in the interregnum. It was brought to the notice of this Court that the said respondents, President and Secretary of the said Sanstha had locked the main gate of the college and its premises, as a consequence of which, the teachers as well as the students were

locked out and the functioning of the college itself was hampered. In that light, this Court directed respondent – the Joint Director of Higher Education as well as the Registrar of the University to take necessary steps in the matter.

5. On 19.09.2025, the President and the Secretary of the Sanstha appeared through their respective counsel and tendered reply affidavits in writ petition No. 10802 of 2025. The affidavits were taken on record and the petitions were directed to be listed today.

6. The learned AGP appearing in these petitions submitted a report dated 18.09.2025, prepared by respondent – the Joint Director of Higher Education. We have perused the report and it shows that a committee of the Joint Director of Higher Education, Pro-Vice Chancellor of the respondent – University and other officers of the said department as well as the University physically visited the said college on 15.09.2025 at 04:00 p.m.. The committee held discussions with the respondent – Secretary and in-charge principal i.e. the petitioner in writ petition No. 10603 of 2025, as also other teaching and non-teaching staff in the light of the extremely difficult situation that had arisen as a consequence of the premises being locked. It was recorded that the respondent Secretary of the Sanstha was given oral instructions to remove the lock and accordingly, the

lock was removed. Thereupon, the committee instructed the management of the college, the in-charge principal as well as teaching and non-teaching staff to ensure that the college remained open and that regular academic activities were undertaken so that the students would not suffer any academic loss.

7. The report records that on 16.09.2025, a joint meeting was held when the Vice-Chancellor, as also the Pro-Vice Chancellor of the respondent University and the respondent – Joint Director of Higher Education and other officers of the University were present. The respondents – President and Secretary of the Sanstha remained absent. The in-charge principal/vice-principal of the college was present. After discussions, specific instructions were issued and minutes of the meeting were recorded. The relevant portion of the report, consisting of the aforesaid instructions, reads as follows :-

“During the meeting on 16-09-2025, the following instructions were given to the In-charge Principal and Vice-Principal of the Kohinoor Arts Commerce and Science College Khultabad as under.

- 1. The seals placed on the college entrance gate, other classrooms, laboratories, and other offices should be opened. While opening them, two representatives each from the teaching and non-teaching staff of the college should be present and their signatures should be taken. Also, the process of opening the seals should be recorded, and a note should be kept in the register.*

2. *If there is any obstruction or oppose from any element while opening the seals, to take help from the local police authorities.*
3. *The In-charge Principal should carry out the process of sealing and unsealing with their own signature when opening and closing the college.*
4. *Instructions should be given to all teachers to conduct all classes regularly according to the college timetable. Non-teaching staff should be ordered to complete office work. A proper record of all work should be maintained. Biometric attendance of all employees. should be taken, and its record should also be sent to the University and the office of the Joint Director of Higher Education, Chhatrapati Sambhajanagar Division. The In-charge Principal will be solely responsible for ensuring that the academic atmosphere in the college remains healthy. While fulfilling this responsibility, they should not come under the influence of any political or other individuals, and care should be taken to ensure that there is no interference from them. Also, the media should not be allowed to interfere in academic work, and care should be taken that false news is not propagated. A meeting of all teaching and non-teaching staff should be held to provide instructions for streamlining the work. Also, only the Principal and Vice-Principal will contact the University and the Joint Director of Higher Education, Chhatrapati Sambhajanagar Division. Instructions should be given that no one else should make contact.*
5. *The college should send a letter to the University and the Joint Director's office to get permission for the college's bank account to be operated only with the signature of the In-charge Principal. A single-signatory account should be*

opened, and action should be taken to streamline student fees and other work through that account.

6. *On 17-09-2025, a flag-hoisting ceremony for Marathwada Liberation Day should be held at the college. All employees should be told to be present at that time, and a report on it should be submitted to the University and the Hon. Joint Director's office."*

8. The writ petitions were taken up for consideration in the light of the aforementioned report, in order to consider as to the nature of *interim* order required to be issued in the peculiar facts and circumstances of the present case. The learned counsel for the petitioners in these petitions vehemently submitted that even though respondents - the State Authorities and the University have taken steps in the peculiar situation created in the said college, all the teaching and non-teaching staff, most of whom are petitioners before this Court in writ petition No. 10802 of 2025, are scared and unless they are provided appropriate security, it may not be possible to implement the above quoted instructions given by the aforesaid committee.

9. It was submitted that the respondents – President and Secretary of the Sanstha are individuals of criminal nature, with a number of FIRs registered against them. Respondent No. 9 in writ petition No. 10802 of 2025, who is the erstwhile principal of the

college, also has FIR registered against him. These individuals, upon being released on bail, have made life difficult for all the employees of the college, due to which the functioning of the college itself has come to a standstill. Neither the teaching and non-teaching staff nor the students feel secure in the presence of these individuals, who are hell-bent on destroying the functioning of the college itself.

10. Mr. Dhorde, learned senior counsel appearing for the petitioner in writ petition No. 10603 of 2025, submitted that the petitioner in the said writ petition is the in-charge principal of the college. She was appointed as in-charge principal/vice-principal of the college on 26.03.2025. This was in the backdrop of the approval granted to the appointment of the said respondent principal being withdrawn by the University on 15.03.2025, as he was not complying with orders passed by this Court in the context of another employee, i.e. Smt. Pradnya Kale.

11. The learned counsel for the petitioner invited attention of this Court to the statements made in the writ petition, as also the documents filed therewith to highlight the conduct of the respondent President of the Sanstha. It was submitted that, despite the approval of the principal having been withdrawn by the University, the respondents President and Secretary of the Sanstha issued a letter to

him on 06.08.2025, to take charge from the petitioner pursuant to which he reached the college with about 15 persons to threaten and pressurize the petitioner to hand over charge. In this backdrop, on 09.08.2025, the said petitioner was served with the impugned suspension order. It was specifically submitted that the respondent President of the Sanstha, while in jail, had called and threatened the petitioner with dire consequences and upon being released on bail, he along with his wife, i.e. the Secretary of the Sanstha had started disturbing the functioning of the college.

12. Attention of this Court was invited to a statement of the petitioner recorded in that context by the Police on 21.06.2025. The contents of the same at **Exhibit - 'M'** to the petition were relied upon to bring to the notice of this Court that the respondent President of the Sanstha is a person with criminal antecedents and he along with his wife, i.e. the Secretary of the Sanstha have left no stone unturned to harass the teaching and non-teaching staff of the college in order to completely bring to a halt the very functioning of the college. It was submitted that the entire premises stood locked due to which the staff and the students were locked out and the functioning of the college was brought to a grinding halt. It was only when the aforementioned committee intervened that the lock was opened. Nonetheless, it was emphasized that the said petitioner as also the

teaching and non-teaching staff of the said college would not be able to implement the above quoted directions issued by the committee until appropriate protection is provided to them. Attention of this Court was also invited to the number of FIRs registered against the respondents President and Secretary of the Sanstha.

13. Learned counsel appearing for the petitioners in the other petitions vehemently submitted that the criminal nature of the said respondents as also the aforesaid earlier principal of the college, whose approval was withdrawn by the University, has resulted in untold misery for the employees. It was submitted that six teaching staff and two non-teaching staffs, who are petitioners in the said writ petitions have rushed to this Court to invoke writ jurisdiction due to the extraordinary circumstances created by the nefarious activities of the said respondents. It was highlighted that the petitioner in writ petition No. 10771 of 2025 has faced continuous harassment from the said respondents. She was constrained to lodge an FIR against the respondent President of the Sanstha for sexual harassment for offences under Section 354A, 504 read with 34 of the Indian Penal Code. Instead of conducting enquiry into the aforesaid acts of the said respondent, an enquiry was instituted against the said petitioner and her service was terminated on 04.11.2016, in a most *mala fide* manner. The appeal filed by the said petitioner was allowed by the

School Tribunal. This Court upheld the order of the School Tribunal, by dismissing the writ petition by order dated 01.12.2023. The Supreme Court dismissed the Special Leave Petition filed against the said judgment and order on 30.07.2024, and a further Review Application filed in the said proceedings was also dismissed on 07.08.2025.

14. Despite the aforesaid sequence of events, wherein favourable orders were passed in the case of the said petitioner, the aforesaid principal of the college in conspiracy with the respondents President and Secretary of the Sanstha refused to allow the said petitioner to join her duty. Due to defiance shown by the said principal, as stated hereinabove, his approval to the post of the principal had to be revoked by the University. The learned counsel for the petitioner specifically invited attention of this Court to the details of as many as eleven (11) FIRs registered against the respondent President of the Sanstha in various police stations for offences concerning forgery, fabrication, cheating, criminal breach of trust and criminal intimidation etc.

15. In respect of writ petition No. 10802 of 2025, it was brought to the notice of this Court that 68 out of 75 employees of the college have approached this Court seeking a direction for appointment of an

Administrator and for transfer of management of the college. Reliance was placed on the provisions of the Maharashtra Public University Act, 2016, to contend that in such extreme circumstances, the State Authorities can appoint Administrator and take further necessary steps to ensure continued academic activities in the educational institution like the said college. It was submitted that the orders of suspension are absolutely *mala fide* and they have been issued within days of the respondent President of the Sanstha and the said principal acting in conspiracy with him, being released on bail in the context of the FIRs registered against them. It is submitted that although there is indeed an alternative remedy under Sections 79 to 85 of the said Act, considering the extremely emergent circumstances, the petitioners have been constrained to invoke writ jurisdiction of this Court. It is submitted that this Court may consider granting interim stay on the orders of suspension in the peculiar facts and circumstances of the present case.

16. On the other hand, the learned counsel appearing for the respondents President and Secretary of the Sanstha, relied upon the contents of the reply affidavits tendered before this Court during the hearing conducted on 19.09.2025. It was submitted that the whole controversy has arisen because of a dispute between the respondent President and his sister with regard to family properties. The said

individual has been instigating such disputes and controversy. The employees of the college are taking advantage of the same to make wild allegations against the respondents President and Secretary of the Sanstha. By relying upon the documents filed along with reply affidavits, it was submitted that in some of the FIRs *interim* orders have been passed by the competent Courts in favour of the said respondents. As regards the allegations of cheating, criminal intimidation, etc, it was submitted that the root cause is the dispute between the respondent President of the Sanstha and his sister.

17. It was alleged that since the chamber of the Secretary of the management was locked in the premises of the college and she was threatened, that the action of putting lock on the premises had to be undertaken. The said lock was removed, but this fact was not highlighted when the writ petitions were filed. It was submitted that the extraordinary reliefs being sought in these petitions cannot be granted. Alternative remedies under the said Act must be invoked and as a matter of settled law, interim order ought not to be granted with regard to the suspension orders.

18. It was submitted that since the respondent Sanstha is a minority institution, there is no question of transferring its management. Even with regard to appointment of Administrator

under the provisions of the said Act, it was submitted that such a drastic step can be taken, provided there is any dispute within the management. Since there is no such dispute, such a direction cannot be granted. All the other allegations made against the said respondents were vehemently denied.

19. We have considered the rival submissions, particularly in the light of the report dated 18.09.2025, submitted by the Joint Director of Higher Education. The contesting respondents have not been able to deny the fact that suddenly the main gate and the entire premises of the college was locked on 14.09.2025. The contesting respondents have not been able to explain as to what was the reason for such a drastic step, which resulted in entire teaching and non-teaching staff as well as the students being locked out of the college and the functioning of the college itself being brought to a grinding halt. The allegation that the in-charge principal had locked the chamber of the Secretary of management appears to be an excuse to take such a drastic step. It is an admitted position that the respondent management has its own office in the city, and therefore, it is a little surprising that the trigger for taking such a drastic action was said to be locking of the chamber of the Secretary of the management inside the college.

20. Be that as it may, we find that the details of the FIRs registered against the respondent President of the Sanstha and others have not been denied. As many as 11 FIRs have been registered for offences ranging from forgery, fabrication, cheating, criminal intimidation and other such offences. Although mere registration of FIRs does not mean that the said respondents have been convicted of offences, but, the details of such FIRs do indicate the seriousness of the allegations leveled against them and the criminal nature of the said respondents. It is surprising that such individuals are running an educational institution and instead of ensuring the best possible academic environment for the teachers and students, they are completely at loggerheads with them. As a consequence, the functioning of the college has been paralysed, which is detrimental for the future of the students and it is also resulting in continued harassment of the teaching and non-teaching staff.

21. As many as 68 out of 75 employees of the college have filed the aforementioned writ petition against the respondents, seeking appointment of an Administrator and for transferring the management of the college. The specific statements made in the said writ petition indicate the alarming situation in the college for which *prima facie* the contesting respondents appear to be responsible. The documents on record show as to the manner in which the President

and the Secretary of the Sanstha along with the aforesaid erstwhile principal took steps to defy orders passed in favour of the petitioner – Smt. Pradnya Kale. The School Tribunal, this Court and the Supreme Court held in her favour and yet the said principal did not allow her to join duties at the behest of the President and the Secretary of the Sanstha. The respondent University had to withdraw the approval of the said principal for such activities and in that context, the petitioner in writ petition No. 10603 of 2025 was appointed as in-charge principal. The sequence of events shows that the respondent President of the Sanstha, upon being released on bail, started indulging in activities resulting in harassment of teaching and non-teaching staff, particularly the in-charge principal who had to approach the police for recording her statement. The aforesaid statement is on record.

22. It is in this backdrop that the impugned suspension orders are to be examined. The respondent Secretary of the Sanstha has issued the said suspension orders after the aforesaid threatening and harassment of the in-charge principal at the behest of respondent President of the Sanstha. The said respondents along with the erstwhile principal of the college, who appears to be working in tandem with them, have ensured that the aforesaid six teaching and two non-teaching staff are suspended. We find that a strong prima

facie case is made out by the petitioners in writ petition Nos. 10771 of 2025, 10802 of 2025, 10790 of 2025 and 10834 of 2025, to claim an *interim* order granting stay to the suspension orders.

23. We are aware that it is only in rare circumstances that the Court can grant such an interim relief in the context of such suspension orders. But, the Supreme Court in the case of ***Public Services Tribunal Bar Association V/s. State of U.P.; (2003) 4 SCC 104*** has laid down that in an extreme situation and when it is found that the orders have been passed in a *mala fide* manner, the writ Court exercising jurisdiction under Article 226 of the Constitution of India can pass such an *interim* order.

24. We find that this is a case demonstrating extreme circumstances created by the aforesaid *mala fide* acts of the respondents President and Secretary of the Sanstha along with the erstwhile principal, whose approval has been withdrawn by the University. *Prima facie*, we find that the orders of suspension have been issued in a most *mala fide* manner against the said petitioners to make an example out of them, so that other teaching and non-teaching staff of the college are subjugated and they do not raise their voice. This is evident from the fact that 68 out of 75 employees have approached this Court in writ petition No. 10802 of 2025,

seeking appointment of an Administrator and transfer of management of the college.

25. The availability of an alternative remedy under the provisions of the said Act cannot be a ground to deny interim relief to the said petitioners, in the light of the extraordinary circumstances created by the aforesaid activities of the said respondents. The functioning of the college has been paralysed and this is likely to have a detrimental effect on the academic future of the students. The manner in which the said respondents locked the main gate of the college, resulting in the functioning of the college itself coming to a halt shows that these are extraordinary circumstances in which this Court exercising writ jurisdiction cannot sit as a mute spectator.

26. The aforesaid report of the committee submitted by the Joint Director of Higher Education on 18.09.2025, confirms the allegations made against the said respondents. They have not been able to deny the registration of the said FIRs and mere passing of *interim* orders in their favour in a few FIRs, cannot take away the strong *prima facie* impression created before this Court that the said respondents are of criminal nature and it is a travesty that they are running the aforesaid academic institution. In such circumstances, the respondents – State Authorities ought to take necessary steps to

ensure continued academic activity in the college. In that light, the aforementioned committee has issued appropriate directions quoted hereinabove.

27. But, we find substance in the contention raised on behalf of the petitioners that unless further directions are issued by this Court to ensure the safety and security of the petitioners, as also the entire teaching and non-teaching staff and students of the college, the directions issued by the committee would be difficult to comply with.

28. Hence, we pass the following *interim* directions :-

(A) The above quoted directions issued by the committee, forming part of the report submitted by respondent – the Joint Director of Higher Education, are confirmed and all concerned are directed to abide by the said directions.

(B) In the light of the apprehension expressed on behalf of the petitioners, particularly the in-charge principal, it is directed that the respondent – Joint Director of Higher Education shall depute an officer of the said department to accompany the in-charge principal of the college when the teaching and non-teaching staff as well as students enter the college for continuing the academic activities. The said officer shall

remain deputed to the said college till the next date, so as to assist the in-charge principal in ensuring proper and smooth functioning of the college.

(C) The respondent – State Authorities shall ensure that the local police station establishes a police picket in the premises of the said college to ensure that no untoward incident takes place till the next date of listing. Sufficient police personnel shall be deployed so that the officer to be deputed by the department of higher education and the teaching and non-teaching staff as well as students of the college feel secure in the premises.

(D) The local police shall take necessary steps to accompany the in-charge principal and the officer deputed from the aforesaid department when they enter the premises of the college to prepare a *punchnama* of the articles found in the premises of the college. This direction is necessitated because of apprehension expressed on behalf of the petitioners that there is possibility of the contesting respondents having dumped suspicious material in the premises of the college.

(E) Till the next date of listing, the respondents President and Secretary of the Sanstha are restrained from entering the premises of the college.

(F) All the respondents – State Authorities shall ensure that the above directions, as also the directions issued by the committee quoted herein above and confirmed by this Court are implemented and complied with, so that the functioning of the college is restored to normalcy and the future of the students is not jeopardized.

(G) The suspension orders impugned in writ petition Nos. 10603/2025, 10771/2025, 10790/2025, 10834/2025 are stayed till the next date of listing.

29. The respondents are permitted to file detailed reply affidavits in all the writ petitions within four weeks from today. The rejoinder affidavits be filed within two weeks thereafter.

30. List all these petitions on **18.11.2025**.

(Y. G. KHOBRAGADE, J.)

(MANISH PITALE, J.)