

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14040 OF 2024

Mahatma Phule Krida Va Shikshan
Prasarak Mandal and Another ... Petitioners

versus

The State of Maharashtra & Ors. ... Respondents

Mr.Narendra V. Bandiwadekar, Senior Advocate with Mr.Vinayak Kumbhar and Mr.Rajendra B. Khaire i/b. Mr.Sagar A.Mane for the Petitioners.

Ms.Nisha Mehra, AGP for Respondent Nos. 1 to 4, State.

Mr.Girish Godbole, Senior Advocate with Mr.Kaustubh Thipsay and Ms.Deepashikha Godbole for Respondent No.5.

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 29TH JANUARY, 2025

P.C. :-

1. On 24th January, 2025, this Court [Coram: Nitin W. Sambre & Ashwin D. Bhobe, JJ.] had passed the following order :

“1. The contention of the learned Counsel appearing for the Petitioner Mr. Bandiwadekar that the Education Officer has passed an order cancelling the approval without notice or hearing can be borne out of record.

2. In this backdrop, we are inclined to sent back matter to the Education Officer. However, Mr. Godbole, the learned Senior Counsel appearing

for Respondent No.5-Objector submits that he shall take instructions and make appropriate statement on the next date of hearing.

3. Stand over to 29th January, 2025.”

2. Shri Godbole, the learned Senior Advocate for Respondent No.5, submits the proposed minutes of the order (3 pages).

3. Shri Bandiwadekar, the learned Senior Advocate representing the Petitioners, approves the said draft along with certain contentions which we are dealing with in this order. For the sake of brevity, the proposed minutes of the order are taken on record and marked as ‘X’ for identification.

4. In view of the above, considering the submissions of the Petitioners that a copy of the report dated 22nd May, 2024, which was generated pursuant to the hearing held on 16th April, 2024, was not supplied to the Petitioners before the impugned order dated 12th September, 2024 was passed, by consent, the impugned order dated 12th September, 2024 is quashed and set aside.

5. Consequentially, **this Writ Petition is disposed off** with the following directions :

- a) The litigating parties before us shall appear before Respondent No.4, on 6th February, 2025 at 11.00 am;
- b) All the parties are at liberty to tender their written notes of submissions;
- c) The issue whether the approval granted to Petitioner No.2 as a Head Mistress with effect from 1st September, 2023, should have been granted with effect from 1st June, 2020, is kept open to be considered by the said Authority;
- d) A reasonable opportunity of hearing will be granted to all the stakeholders, upto 14th February, 2025. Thereafter, Respondent No.4 would pass a reasoned order on the merits of the issue before it, in the light of the contentions of the parties, on or before 5th March, 2025;
- e) The Petitioner No.2 has been discharging duties as a Head Mistress, notwithstanding her grievance that she was

working from 1st June 2020. Approval has been granted with effect from 1st September, 2023 and her salary amounts are released by the Government, which have been deposited in the account of Petitioner No.2. But Respondent No. 4 passed an order directing the Bank to freeze the account of Petitioner No.2. As such, we direct that Respondent No.4 would write to the concerned Bank within 48 hours intimating it to vacate the order of freezing the bank account, failing which, we direct that the payment of salary to Respondent No.4 shall be stopped by the State of Maharashtra, forthwith, until our permission is taken to release the salary.

6. All contentions of the parties/stakeholders, including the issue of maintainability of the complaint, are kept open.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)