



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 561 of 2019

Rajendraprasad Nandlalsao Zarne and another

vs.

Shriram Shikshan Sanstha, through its Secretary, and others.

Mr. A. Z. Jibhkate, Advocate for petitioners.

Mr. Sourabh Rajurkar, Advocate h/f Mr. Anand Parchure, Advocate for respondent no.3.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 3rd JANUARY, 2025

P. C.

Heard.

2. Though served none appears for the respondent nos. 1 and 2.

3. The order impugned is passed by the respondent no.1-Management whereby the petitioners, who were the employees of the respondent no.2, are saddled with punishment vide Resolution dated 18.11.2018 of stoppage of two increments with permanent effect. It is claimed that the aforesaid punishment is based on the directive of the respondent no.3-Board who during visit noticed mass copying to which the petitioners were parties.

4. Since the stoppage two increments with permanent effect is already held to be major punishment under Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 particularly Rules 29 and 31, we are of the view that such punishment ought not to have imposed without conducting departmental proceedings.

5. In this background, the order impugned dated 20.12.2018 directing freezing of two increments with permanent effect is hereby quashed and set aside.

6. We leave it to the discretion of the Management to impose either minor punishment without conducting enquiry or may conduct enquiry against the petitioners in accordance with law, if the Management intends to impose major punishment.

7. The writ petition stands allowed in above terms. No costs.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.