



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

WRIT PETITION NO. 5620 OF 2023

PETITIONERS

- : 1. Qidwai Educational and Cultural Society, Naya Nakasha, lashkaribag, Nagpur, through its President, Shri Maqbool Hussain Munir Hussain.
2. Smt. Qamar Jahan Khan, Aged 58 Years, Occupation : Service, Headmistress, Qidwai High School and Junior College, Asinagar, Tekka Naka, Nagpur.

//VERSUS//

RESPONDENT

- : The Education Officer, (Sec.), Zilla Parishad, Nagpur.

Mr. P.N. Shende, Advocate for the Petitioners.
Mr. A.V. Palshikar, AGP for the Respondent/State.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATED : 11th SEPTEMBER, 2025.

ORAL JUDGMENT :- (PER : SMT. M.S. JAWALKAR, J.)

Heard. **RULE.** Rule made returnable forthwith. Heard finally by consent of the parties.

2. The present petition is filed challenging the order passed by the Education Officer (Secondary), Zilla Parishad, Nagpur, dated 03/05/2024, whereby the proposal of the Management for extension

of services of Headmistress Smt. Qamar Jahan Khan for six months came to be rejected.

3. The learned Assistant Government Pleader has drawn our attention to Rule 17 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 (for short, “the Rules of 1981”), which provides that extension cannot be granted on any ground; however, there is a provision of re-employment, if Management so desires.

4. On perusal of the order on proposal on page Nos.26 and 27, it appears that the proposal is for extension of services of Headmistress of petitioner’s - school. In view of Rule 17 of the Rules of 1981, the order of re-employment is subject to certain consequences, which are given in Rule 17, sub-rules (2), (3) and (4). Thus, the petitioners cannot claim extension. However, if proposal for re-employment is submitted, it can be considered on its own merit.

5. Hence, we proceed to pass following order:

ORDER

(a) The writ petition is **allowed**.

(b) The impugned order dated 03/05/2024, passed by the Education Officer (Secondary), Zilla Parishad, Nagpur, is hereby quashed and set aside.

(c) The petitioners to submit a proposal of re-employment within one week from today, and the Education Officer to take a decision on the same within three weeks thereafter afresh, as per the provisions of law and Secondary Schools Code.

(d) Rule is made absolute in the above terms. No costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Vijaykumar