



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

WRIT PETITION NO.5354 OF 2025

Shree Gajanan Maharaj Shikshan Va Kala Sanstha,
Ghattemani, Tah – Amgaon,
District Gondia through its Secretary,
Shri Dhaniram Kisanji Doye

...PETITIONER

VERSUS

1. The Education Officer (Sec.),
Zilla Parishad, Gondia
2. Zanaklal Asaram Rahangdale,
Aged – 57 years, Occupation – Service,
Headmaster, Shree Gajanan Maharaj
High School, Ghattemani,
Tah – Amgaon, District Gondia.
3. Shri Mahendra Sakharam Deshmukh,
Aged – 40 years, Occupation – Service,
Junior Clerk, Shree Gajanan Maharaj
High School, Ghattemani,
Tah – Amgaon, District Gondia.

...RESPONDENTS

Mr. PN. Shende, Advocate for the appellant.
Mrs. K. Bhondge, AGP for the State.

CORAM : SMT. M.S. JAWALKAR AND RAJ D. WAKODE, JJ.
DATED : SEPTEMBER 17, 2025.

ORAL JUDGMENT (Per : Raj D. Wakode, J.) :

RULE. Rule made returnable forthwith.

2. Since the limited issue involved in the matter, the same is taken up for final disposal at the stage of admission with the consent of learned Counsel for both the parties.

3. It is pertinent to note that the allegation of the petitioner is of inaction on the part of respondent No.1 in not taking any action or decision on the proposal submitted by the petitioner and hence the main relief sought in the present petition is against respondent No.1, and therefore, we deem it fit not to issue notice to respondent Nos.2 and 3.

4. The grievance of the petitioner - the Trust is that they had submitted the proposal dated 11/08/2025 to respondent No.1 - the Education Officer, praying for permission to suspend respondent Nos.2 and 3 during the pendency of the departmental inquiry and as the said proposal is not decided yet, the petitioner seeks direction to respondent No.1 – the Education Officer to decide the same within a stipulated period.

5. We have heard learned Counsel for both the parties at some length. The petitioner is an educational institution and society duly registered under the provisions of the law and it is running a secondary school namely - Shree Gajanan Maharaj Shikshan Va Kala Sanstha, Ghattemani, Tahsil - Amgaon, District – Gondia consisting of classes from 5th to 10th standard, which is duly recognized by the education

department and is further facilitated with 100% Gran-in-aid, from the State Exchequer. Respondent No.2 is working as a Headmaster with effect from 01/07/1996 in the above-mentioned school whereas respondent No.3 is working as a Junior Clerk with effect from 01/07/1996 in the above-mentioned school. The appointment of respondent Nos.2 and 3 are duly approved by respondent No.1 – Education Officer. The petitioner contends that there are several serious complaints against respondent Nos.2 and 3 regarding their work and behaviour and they are also involved in the major charges of absentism, insubordination as well as misappropriation of the funds of the school and thus by taking cognizance of the same, an offence has also been registered against respondent Nos.2 and 3 under the provisions of the Indian Penal Code, as per the orders passed by the Judicial Magistrate First Class, Amgaon.

6. In view of the aforesaid charges against respondent Nos.2 and 3, the petitioner intends and accordingly has passed the resolution to conduct departmental inquiry against respondent Nos.2 and 3 and thus pending departmental inquiry, the petitioner submitted the proposal to respondent No.1 on 11/08/2025 seeking permission to suspend respondent Nos.2 and 3; however, the petitioner contends that the said proposal is not decided by respondent No.1 till date.

7. It is worth to mention here that as per the provisions of Rule 33 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, the Management has every right to conduct an inquiry against its employee, by keeping him under suspension, on serious and major charges, and then it is necessary on the part of respondent No.1 – Education officer to grant permission to suspend the delinquent employees.

8. We, therefore, propose to allow this petition and hence, the petition is allowed accordingly.

9. We hereby direct respondent No.1 – the Education Officer to decide the proposals dated 11/08/2025 placed at Annexure-III of the petition seeking permission to suspend respondent Nos.2 and 3, pending departmental inquiry, within a period of four weeks from the date of communication of this order.

10. In view of the above, writ petition stands disposed of.

11. Learned AGP to communicate the said order to respondent No.1 – the Education Officer for further necessary action.

12. Rule made absolute in the aforesaid terms. No costs.

(RAJ D. WAKODE, J.)

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