



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 821 OF 2026

Godavari Shikshan Sanstha Gondi
Tq. Ambad Dist. Jalna
Through its Secretary namely,
Abrar Sohail Saudagar Mohammad Taher miyan Saudagar
Age : 48 years, Occu. Service,
R/o. Kuccharvata, Old Jalna,
Tq. and District Jalna

-----PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
School Education and Sports
Department, Mantralaya,
Mumbai – 32.
2. Director of Education (Secondary
& Higher Secondary), M.S.,
Dr. Annie Basant Road,
Central Building, Pune.
3. Director of Education (Primary)
M.S., Dr. Annie Basant Road,
Central Building, Pune.
4. Divisional Deputy Director of Education,
Near Bhadkal Gate, Mipa Building,
Chh. Sambhajinagar (Aurangabad)
5. The Education Officer (Secondary),
Zilla Parishad, Jalna.
6. Kailas Datkhil,
Age : 52 years, Occu : Service,
Near Bhadkal Gate, Mipa Building,
Divisional Deputy Director of Education,
Chh. Sambhajinagar (Aurangabad)
Zilla Parishad Jalna

-----RESPONDENTS

WRIT PETITION NO. 1420 OF 2026

Smt. Mangal Raju Gaikwad @ Dhupe,
Age : 48 years, Occu.: Service,
R/o. Plot No. 45, Bhagyodaya Nagar,
in front of Ashoka Dhaba, Ambad Road,
Jalna, Taluka and District Jalna

---PETITIONER

VERSUS

1. The State of Maharashtra,
Through its Principal Secretary,
School Education and Sports
Department Mantralaya, Mumbai
2. The Director of Education,
Maharashtra State, Pune.
3. The Divisional Deputy Director of Education,
Chha. Sambhajinagar Division,
Chha. Sambhajinagar.

-----RESPONDENTS

Mr. A. N. Nagargoje, Advocate for petitioner in WP/821/2026
Mr. P. D. Bachate, Advocate for petitioner in WP/1420/2026
Mr. S. K. Tambe, Addl. GP for respondent-State in WP/821/2026
Mr. A. M. Phule, AGP for respondent-State in WP/1420/2026

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 09th February, 2026

JUDGMENT (PER : Hiten S. Venegavkar, J.) :-

1. The present writ petitions arise from a common order dated 27.11.2025 passed by the Divisional Deputy Director of Education, Chhatrapati Sambhaji Nagar, whereby an inquiry committee consisting of certain Education Officers and a Deputy Education Officer came to be constituted to conduct an inquiry against the present petitioners. Since

both petitions challenge the same order, arise out of the same set of facts and involve identical questions of law, they are being disposed of by this common judgment. The petitioners have invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India contending that the impugned order is wholly without jurisdiction, contrary to statutory provisions governing service conditions of employees of private aided schools, violative of binding Government policy and settled judicial precedents, and is based entirely on complaints made by a third party who has no legal nexus whatsoever either with the petitioner educational institution or with the Education Department of the State of Maharashtra. The petitioner in Writ Petition No. 821 of 2026 is an educational institution registered as a public trust and running three grant-in-aid schools imparting education to several students and receiving grant-in-aid from the State Government. The petitioner in Writ Petition No. 1420 of 2026 is an Education Officer (Secondary), Zilla Parishad, Jalna, who joined the said post on 23.02.2022 and worked on the said State post till 09.06.2025. Both petitioners are aggrieved by the constitution of the inquiry committee which, according to them, is founded solely on complaints made by one Manish Govindrao Bhale, who is admittedly not connected with the institution, not a member of the managing trust, not an employee, not a student or parent, and not an officer of the Education Department.

2. It is the consistent case of the petitioners that the said complainant is a habitual complainant who has been filing repeated complaints against various educational institutions and their employees and thereafter attempting to pressurize institutions and public servants by creating administrative hurdles in approvals, salary releases and service regularization. It is brought on record that in earlier instances, approvals of teachers working in the petitioner institution were cancelled allegedly on the basis of complaints made by the same complainant and subsequently such actions were challenged before the School Tribunal and this Court, and in several matters directions were issued for release of salary and reinstatement after recording findings that the appointments were legal and valid. The petitioners have also placed on record that the complainant had made allegations even against officers of the Education Department including Education Officers and departmental action was initiated against them, which again came to be challenged before judicial forums. The petitioners have therefore, attempted to demonstrate a pattern whereby the said complainant repeatedly lodges complaints against institutions, employees and officers without any legal basis, resulting in serious administrative consequences and forcing the affected persons to approach judicial forums for redressal. The petitioners further contend that the department itself was aware of such conduct and in certain cases had taken a conscious

decision not to entertain complaints made by the said complainant in future, yet the impugned order has been issued solely relying upon his complaint and police correspondence arising out of a criminal dispute between the complainant and the petitioner Education Officer.

3. In so far as the petitioner Education Officer is concerned, it is specifically contended that the complainant had approached him and demanded an amount of Rs. 25,00,000/- for withdrawal of complaints and upon refusal, false complaints were made against him. The petitioner officer thereafter lodged a complaint dated 27.07.2025, which resulted in registration of Crime No. 517 of 2025 at Jalna Taluka Police Station. It is further stated that thereafter the complainant lodged a counter complaint against the petitioner officer and on the basis of correspondence between the police authorities and the Education Department, the Divisional Deputy Director proceeded to constitute the impugned inquiry committee. According to the petitioners, the entire action is legally unsustainable as it is founded upon the complaint of a stranger and is directly contrary to the Government Resolution dated 14.10.2019 issued by the General Administration Department of the State of Maharashtra which specifically directs all government authorities not to entertain complaints made by third party persons, social workers or individuals who are not directly affected or who have not suffered any legal injury.

4. The learned AGP appearing for the State authorities has opposed the petitions and submitted that the impugned order merely constitutes an inquiry committee and does not itself impose any punishment or civil consequences and, therefore, the writ jurisdiction of this Court should not be exercised at a preliminary stage of inquiry. It is further submitted that the inquiry was initiated not merely on the complaint of the said complainant but also on the basis of police correspondence and registration of FIR and, therefore, the authority was justified in directing a preliminary inquiry. However, during the course of hearing, when this Court specifically queried the learned AGP regarding the source of statutory power enabling the Divisional Deputy Director of Education to constitute such inquiry committee against an educational institution or against an Education Officer, the learned AGP was unable to point out any specific provision under the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 (for short "**MEPS Act**") or the Rules framed thereunder which authorizes such action.

5. Upon careful consideration of the rival submissions and perusal of the documents placed on record, it is evident that the complainant Manish Bhale is admittedly not connected with the petitioner institution or with the Education Department. The record further reveals that several earlier complaints made by him had resulted in

administrative actions which were subsequently set aside by judicial forums. The record also indicates that the department itself had taken a view in certain cases not to entertain complaints made by the said complainant. Despite this background, the Divisional Deputy Director proceeded to pass the impugned order making reference to complaints made by the said third person. In this context, the Government Resolution dated 14.10.2019 assumes significant importance. The said Government Resolution specifically directs that complaints made by social workers, strangers, or persons having no connection with the institution and who have not suffered any legal injury should not be entertained by government authorities. The purpose behind issuance of the said Government Resolution is to prevent harassment of teachers, educational institutions and public servants by persons who misuse complaint mechanisms for personal gain, vendetta or coercion. The policy underlying the Government Resolution is rooted in administrative discipline and fairness and is intended to ensure that administrative machinery is not misused by self-styled activists or unrelated persons who attempt to influence departmental action through repeated complaints.

6. This Court in several judgments including **Hemraj Jagannath Fegade vs State of Maharashtra**, Writ Petition No. 5973 of 2020, and **Sandeep Chudaman Shinde vs State of Maharashtra**,

2024 (2) Mh.L.J. 779, has consistently held that authorities must refrain from entertaining complaints from strangers or bystanders having no legal interest and that such complaints often lead to misuse of administrative power. The consistent judicial view emerging from these judgments is that administrative authorities must first verify locus standi and existence of legal injury before initiating any inquiry or action. It has been repeatedly observed that self-styled social workers or unrelated persons often file complaints with the intention of settling personal scores or extracting money from institutions or officers and, therefore, such complaints cannot form the basis of departmental action.

7. Another crucial aspect which cannot be ignored is the absence of statutory authority. The MEPS Act and the Rules framed thereunder provide a complete code governing appointment, approval, disciplinary control and service conditions of employees of private aided schools. The statute does not confer any general supervisory power upon the Divisional Deputy Director to constitute independent inquiry committees against institutions or against officers of the department outside the statutory disciplinary framework. It is a settled principle of administrative law that every statutory authority must act strictly within the bounds of power conferred by statute and any action taken beyond statutory authority is liable to be declared ultra vires. In the present case, neither the impugned order nor the submissions advanced on

behalf of the State demonstrate the existence of any statutory provision empowering the Divisional Deputy Director to constitute such inquiry committee and, therefore, the impugned order suffers from jurisdictional error.

8. The contention of the State that mere constitution of inquiry committee does not cause prejudice cannot be accepted. In service jurisprudence and administrative law, even initiation of an unauthorized inquiry results in serious prejudice in the form of stigma, administrative pressure, disruption of institutional functioning and delay in service benefits and approvals. The material placed on record demonstrates that earlier inquiries based on similar complaints had resulted in cancellation of approvals and stoppage of salaries, ultimately compelling employees and institutions to approach judicial forums. Therefore, it cannot be said that constitution of inquiry committee is a harmless administrative exercise having no civil consequences.

9. The material on record further discloses a disturbing pattern of repeated complaints being made against teachers, officers and institutions leading to repeated litigation and administrative instability. It is expected from senior officers that they should protect subordinate officers and institutions from harassment caused by frivolous complaints rather than subject them to inquiries without statutory backing. When

departmental authorities themselves have taken a decision not to entertain complaints of a particular complainant and yet an inquiry is initiated solely on his complaint, it reflects complete non-application of mind and disregard for binding Government policy and judicial directions.

10. Considering the entire material placed on record, this Court is satisfied that the impugned order dated 27.11.2025 is contrary to the Government Resolution dated 14.10.2019, is without authority of law under the MEPS Act and Rules, is based solely on a complaint made by a third party having no locus, and is therefore, arbitrary, illegal and unsustainable. The impugned action amounts to abuse of administrative power and is liable to be interfered with under Article 226 of the Constitution of India. Consequently, the impugned order dated 27.11.2025 passed by the Divisional Deputy Director of Education, Chhatrapati Sambhaji Nagar, is quashed and set aside. Both Writ Petition No. 821 of 2026 and Writ Petition No. 1420 of 2026 are allowed.

11. There shall be no order as to costs.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi