IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 440 OF 2026

Dattatray Ananda Jadhav ...Petitioner

Versus

Education Officer (secondary) And Others ...Respondents

Mr. Yuvraj Narvankar a/w Mr. Rahul Patil - Advocate for the Petitioner.
Mr. V. M. Mali – Asst. Government Pleader for the State
Mr. Vinayak Belgaonkar – Advocate for Respondent No. 4

Coram : Sharmila U. Deshmukh & Neeraj P. Dhote, JJ.

Date : October 05, 2026.

P. C. :

1. By this petition, the petitioner seeks release of the arrears of salary as per the communication addressed by Respondent No. 2 to Respondent No. 3 dated 31.03.2025.

2. The order dated 06.08.2026 passed by this Court records that the Education Officer had granted due approval on 01.07.2024, and the Dy. Director of Education had approved and recommended the payment of salary to the Petitioner by the order dated 31.03.2025. The same Dy. Director of Education, by virtue of the impugned order dated 21.07.2025, has now rejected the claim of the Petitioner on the ground

that the Petitioner's case falls within the ambit of Rule 33, sub-rule (5) of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981.

3. The Hon'ble Court *vide* the aforesaid order noted that, Rule 33, sub-rule (5) would enure to the benefit of the Petitioner as it provides that if there is a reason or condition due to which the Petitioner is unable to attend the school, the same stands as an exception carved out in favour of the Petitioner to claim salary.

4. Mr. Narvankar, learned Advocate for the Petitioner submits that the condition of bail prevented the Petitioner from entering into village/area/vicinity wherein the Complainant was residing and from entering into the vicinity of the school/college/tuition where the Victim was taking education till final disposal of the case. The impugned communication refusing release of the salary is on the ground that despite the bail being granted, the Petitioner did not report for duty. The said condition of the bail restrained the Petitioner from reporting for duty and as such, the ground on which the arrears of salary have been declined is unsustainable.

5. In light of the above, the impugned communication dated 29.07.2025 refusing release of the salary to the Petitioner is quashed and set aside.

6. The Respondents are directed to release the arrears of the salary of the Petitioner as on date, within a period of eight (8) weeks from today.

7. As the Petitioner has been acquitted of all the charges, the Respondents are directed to take steps to the resumption of the Petitioner's Shalarth ID as communicated by Respondent No. 3 *vide* letter dated 01.08.2026.

8. The Petition is allowed and disposed of accordingly.

[Neeraj P. Dhote, J.] **[Sharmila U. Deshmukh, J.]**