

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR**

WRIT PETITION NO.12718 OF 2025

1. Benadikar Education Society,
Through Its Secretary -
Shri Bhagwan Pandurang Patil
2. Shreeram High School,
Through its Secretary
Through its In-Charge Headmaster
Shri Balawant Dhondiram Patil ..Petitioners

Vs.

1. The State of Maharashtra
2. Deputy Director of Education
Kolhapur Region, Kolhapur
3. Education Officer (Secondary)
Zilla Parishad, Kolhapur
4. Maharashtra State Commission
for Scheduled Caste and Scheduled Tribe,
5. Mrs. Rohini Vasant Chandurkar ..Respondents

Mr.Manoj Patil, Advocate a/w. Mr.Shubham Dhenge, Advocate for
petitioner

Mrs.S.N.Deshmukh, AGP for respondent nos.1 to 4

Mr.Chinar S. Sankpal, Advocate a/w. Ms.Priyadarshini M. Galande,
Advocate for respondent no.5

**CORAM : R. G. AVACHAT &
AJIT B. KADETHANKAR, JJ.**
DATE : FEBRUARY 02, 2026

ORDER :-

Heard.

2. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

3. Vide order dated 21.10.2022, the petitioners – Education Society terminated the services of respondent no.5, who happened to be its employee. As against the order of termination, an appeal under Section 9 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, has been preferred by respondent no.5, bearing Appeal No.39 of 2022. It is an undisputed fact that the appeal is still pending before learned Tribunal. It appears that in the meantime, respondent no.2 approached the Maharashtra State Commission for Scheduled Caste and Scheduled Tribe (“the Commission”, for short) with a case No.143 of 2021. A meeting was conducted on 29.05.2025. Recitals of the meeting dated 29.05.2025 (page nos.92 and 93 of the compilation of Writ Petition) reveals that directions were given to the petitioners – school to accommodate respondent no.5 in its services as per the rules. It was also directed that the unpaid pay benefits of respondent no.5 be released. Directions were also given to the Education Officer to take

action against the petitioners – school as per rules and file report thereof.

4. Mr.Patil, learned counsel for the petitioners - school, would invite our attention to the page no.97 of the Writ Petition, which seems to be the order dated 26.07.2025, passed by respondent no.3 - Education Officer (Secondary), Zilla Parishad, Kolhapur. In the said order, respondent no.3 - Education Officer has referred the order passed by the Chairman of the Commission and the order passed by the School Tribunal. Since the petitioners – school violated the directions issued by the Commission and School Tribunal, the Education Officer vide order dated 26.07.2025, directed stoppage of salary and non-salary grants of the petitioners – school till disposal of the Appeal No.39 of 2022, which is pending before learned School Tribunal,

5. Mrs.Deshmukh, learned AGP for respondent nos.1 to 4 - State, refers to the letter dated 30.01.2026, addressed to the petitioners – school by respondent no.3 - Education Officer, which is at page 107 of compilation of Writ Petition and form part of the affidavit. She would submit that there is subsequent development and the Education Officer has modified the earlier order and allowed

release of salary grants, however, withheld the non-salary grants of the petitioners – school, till disposal of the Appeal No.39 of 2022.

6. We have heard learned counsel for the parties. With the able assistance of learned counsel for the respective parties, we have gone through the record of the case. We have also gone through the provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977, which provide for the proceedings to be dealt with by the Commission. We find that so far as the issues those could be referable, the Commission passed order on 29.05.2025. However, the Education Officer had stalled release of all the grants of the petitioners – school. Although subsequently the salary grants have been ordered to be released by the Education Officer but stoppage of non-salary grants seems to be without any cogent reason and does not seem to be rational for the reason that such stoppage is ordered till disposal of the appeal by learned Tribunal. We find that the Education Officer has given reference to the order passed by the Hon'ble Chairman of the Commission though the Commission has never ordered stoppage of any salary or non-salary grant.

7. In so far as the challenge to the order passed by the Commission dated 29.05.2025 (page nos.92 and 93 of the

compilation of Writ Petition), learned counsel for the petitioners submits that the concerned authority has directed to restore the services of respondent no.5 despite there being an appeal pending before learned School Tribunal. He would submit that those directions may be held as illegal.

8. True that the petitioners - school terminated the services of respondent no.5 and an appeal (Appeal No.39 of 2022) under Section 9 of the Maharashtra Employees of Private Schools (Condition of Service) Regulation Act, 1977 is pending before the School Tribunal. It is but obvious that the reinstatement/restoration of the services of respondent no.5 would depend on the adjudication of the pending appeal. The said authority has cautiously ordered that accommodation of respondent no.5 back in the service shall be done in accordance with law. Therefore, it cannot be inferred that the directions are incorrect and would mean otherwise as apprehended by the petitioners. The fate of respondent no.5's reinstatement shall depend on the decision in Appeal No.39 of 2022 pending before learned Tribunal.

9. So far as regards the unpaid salary/emoluments of respondent no.5 as ordered by the Commissioner, the petitioners

would take the Resolution No.2 dated 16.10.2022 referred in the communication dated 21.10.2022 (page 78 : Exh."F") addressed by the petitioners to respondent no.5, to its logical end.

10. In view of the above, we hold that respondent no.3 - Education Officer has incorrectly stopped release of the non-salary grants of the petitioners - school. We, accordingly, dispose of the Writ Petition with the following directions:-

(i) The order dated 30.01.2026 (page 107 of the compilation of Writ Petition), passed by respondent no.3 - Education Officer (Secondary), Zilla Parishad, Kolhapur, whereby the non-salary grants were withheld by the Education Officer, stands quashed and set aside.

(ii) The salary and non-salary grants shall be regularly paid by the Education Officer to the petitioner - school.

(iii) In the light of the peculiar facts of the case, we direct learned School Tribunal, Kolhapur, to hear and dispose of Appeal No.39 of 2022 within a period of six months from the date of receipt of a copy of this order.

(iv) Respective parties undertake to cooperate for hearing of the Appeal and shall not take unnecessary adjournment.

(v) Rule is made absolute accordingly.

[AJIT B. KADETHANKAR, J.]

[R.G. AVACHAT, J.]

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