



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

WRIT PETITION No.3136 OF 2024

Vasant Kisanrao Kale,
Aged about 71 years,
R/o. Plot No. 46,
Trivedi Layout, Mothi Umari,
District: Akola.

Legal representatives of
petitioner brought on
record as per Court's order
dated 24.2.2025 and
21.1.2026.

1. Smt. Sunanda wd/o Vasant Kale,
aged about 64 years.
2. Abhijeet s/o Vasant Kale,
aged about 35 years.
3. Jitesh s/o Vasant Kale,
aged about 33 years,

(All Resident of Plot No. 46,
Trivedi Layout, Mothi Umari,
District: Akola.)

: PETITIONER

...VERSUS...

1. The State of Maharashtra,
Department of Sports and Education,
Mantralaya, Mumbai,
Through its Secretary.
2. Deputy Director of Education,
Amravati Division, Amravati.
3. Education Officer (Secondary),
Zilla Parishad, Akola.

: RESPONDENTS

=====

Mr. H.A. Deshpande, Advocate for Petitioner.
Mr. N.R. Patil, Assistant Government Pleader for Respondents.

=====

CORAM : **SMT. M.S. JAWALKAR AND**
NANDESH S. DESHPANDE, JJ.
RESERVED ON : **29th JANUARY, 2026.**
PRONOUNCED ON : **02nd FEBRUARY, 2026.**

JUDGMENT : (Per : NANDESH S. DESHPANDE, J.)

1. Heard. Rule. Rule made returnable forthwith. Heard finally by consent of parties.

2. The petitioner by this petition seeks direction to the respondent No.3 - Education Officer (Secondary), Zilla Parishad, Akola to sign the bills in respect of fifth installment of the arrears of 6th Pay Commission and to act as signing, drawing and disbursing authority and further for releasing the said installment of arrears along with interest.

3. The facts as can be seen from the petition are as under :

The original petitioner (who has expired during the pendency of the petition and whose legal heirs are brought on record), has filed this petition stating that he has worked as Assistant Teacher in Dr. Babasaheb Ambedkar Vidyalaya, Akola from 21.07.1979 till 30.06.2010 on which date he was superannuated on completion of 58 years of age. He was appointed in the said School having educational qualification of Bachelor of Science and his services were duly approved by the Education

Officer. After completing the probation period successfully he attained the status of a permanent employee. It is also stated in the petition that 6th Pay Commission was made applicable to employees of private schools by Government Resolution dated 29.04.2009 and 12.06.2009 w.e.f. 01.01.2006. As per the said Government Resolution, the arrears of 6th Pay Commission were to be paid in five equal installments, out of which the petitioner has already received four installments. It is stated in the petition that fifth installment was to be released/paid in the Academic Session 2013-14. However, the school, in which the petitioner was employed, was de-recognized from the end of Academic Session 2012-13.

4. After de-recognition of the said school, the Incharge Head-Mistress of the said School submitted bill for fifth installment of the arrears of 6th Pay Commission. However, the same were not accepted by the Office of the Education Officer in view of the de-recognition. Thereafter, in spite of repeated request to the authority, the said fifth installment was not released. However, in response to the complaint made by person/s like petitioner to the Hon'ble Home Minister, the Education Officer by letter dated 09.03.2018 informed that the school was de-recognized and closed

in May 2013. Thereafter, vide letter dated 24.02.2021 the Education Officer sought guidance from the Deputy Director of Education regarding who would be the competent authority for drawing and disbursing the fifth installment of the arrears of 6th Pay Commission. The same request was reiterated by the Education Officer again on 01.10.2021. It is the contention of the petitioner that the Government Resolution dated 21.01.2010 and 06.03.2010 empowers the Education Officer to grant increments, fix pay, prepare and sign the pension papers, when there is a dispute in the Society. Thus, the petitioner prays that in view of the fact that the school in which he was working is de-recognized, the Education Officer would be the competent authority for drawing and disbursing the fifth installment of the arrears of 6th Pay Commission. However, since no action is taken, the same has constrained the petitioner to file the present petition.

5. We have heard Mr.H.A. Deshpande, learned counsel for the petitioner and Mr. N.R. Patil, learned Assistant Government Pleader for the respondents.

6. Mr. H.A. Deshpande, learned counsel for the petitioner by taking us through various Government Resolutions submits that as can be seen from the Government Resolution dated 21.01.2010

and 06.03.2010, the Education Officer is the competent authority for drawing and disbursing the fifth installment of the 6th Pay Commission in the contingencies mentioned in the said Government Resolutions. He submits that even though the said Government Resolutions contemplate a situation where dispute is in the Management, however, he submits that if the pay fixation cannot be done or there is impossibility of pay fixation, then the Education Officer is the competent authority.

7. Per contra, learned Assistant Government Pleader for the respondents while disputing the contentions advanced by the learned counsel for the petitioner said that the Government Resolutions do not contemplate a situation where the school is de-recognized and, therefore, the inaction of the authorities is clearly sustainable in view of no specific directions in that regard.

8. We have perused the documents filed on record and appreciated the contentions advanced by the learned counsel for both the parties. It is a matter of record and an admitted fact that four installments are already paid. The dispute pertains only to the fifth installment. As can be seen from the Government Resolution dated 29th April, 2009 and more particularly clause 14 thereof the arrears of salary are supposed to be paid in five equal installments over a period of five years, out of which four installments are

already paid.

9. It can also be seen from the Government Resolutions dated 21.01.2010 and 06.03.2010 that if there is a dispute in the Society/Management and pay fixation cannot be done, the pay fixation is to be done by the concerned Education Officer and thus the said authority is the drawing and disbursing authority. The said position is further clarified by Government Resolution dated 06.03.2010 wherein apart from pay fixation, increment, promotion, select grade and all other incidental matters are to be routed under the signature of the Education Officer concerned. A purposive reading of the said Government Resolution would reveal that the intent of the said Government Resolution is that the concerned employee/Head-Master should not be put to prejudice or loss, if there is a dispute in the Society. In any eventuality, in our view, it would also encompass the impossibility of sending the bills of fifth installment of 6th Pay Commission in view of absence of a drawing and disbursing authority i.e. the Head-Master. In our view, therefore, the Government Resolution dated 21.01.2010 and 06.03.2010 would also mean to include the present situation in which the petitioner finds himself in. The fact that the school was de-recognized from 2012-13 is an admitted fact. Thus, only because there is no Head-Master, there cannot be any vacuum to

the prejudice of the petitioner. It would be, therefore, in the fitness of things to direct the concerned Education Officer to sign the bills in respect of unpaid installment. We, therefore, pass the following order :

ORDER

- (i) The Writ Petition is allowed.
- (ii) It is hereby directed that the respondent No.3 – Education Officer (Secondary), Zilla Parishad, Akola to sign the bills in respect of fifth installment of the arrears of 6th Pay Commission of the petitioner and to act as the signing, drawing and disbursing authority and further release the fifth installment of the said arrears to the petitioner within four weeks from the date of receipt of this order.
- (iii) Rule is made absolute in the above terms.
- (iv) The petition is disposed of as such.

(NANDESH S. DESHPANDE, J.)

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