



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

WRIT PETITION NO. 2304 OF 2024

- 1) Nandkishor Narhari Kale,
Aged about 38 years, Occ.: Service,
R/o. Maroti Peth, Post Janefal,
Tq. Mehekar, Dist. Buldhana.
- 2) Wasudeo Mahadeo Solanke,
Aged about 37 years, Occ.: Service,
R/o. Post Sakharkherda,
Tq. Sindkhed Raja, Dist. Buldhana.
- 3) Pradip Lahu Thorwe,
Aged about 45 years, Occ.: Service,
At Post Zotinga, R/o. Zotinga,
Tq. Sindkhed Raja, Dist. Buldhana.

.... **PETITIONERS**

// **VERSUS** //

- 1) The State of Maharashtra,
Through Principal Secretary,
School Education and School
Department, Mantralaya,
Mumbai-32.
- 2) The Deputy Director of Education
(Primary), Amravati Division,
Amravati.
- 3) The Education Officer (Primary),
Zilla Parishad, Buldhana.
- 4) Deputy Education Officer (Primary),
Zilla Parishad, Buldhana.
- 5) Annabhau Sathe Bahu. Krida Wa
Sanskritik Vikas Mandal, Balsamudra,
Post Shendurjana, Tq. Sindkhed Raja,
Dist. Buldhana, through its President/
Secretary.
- 6) ~~Sahityaratna Annabhau Sathe Marathi-
Higher Primary School Sakharkherda,
Tq. Sindkhed Raja, Dist. Buldhana,
Through its Head Master.~~

Deleted vide
Court's order
dt.20.09.2024

.... **RESPONDENTS**

Mr. R. B. Dhore, Advocate for the Petitioners.
Mr. S. V. Narale, Assistant Government Pleader for the
Respondent No.1.
Mr. B. N. Jaipurkar, Advocate for the Respondent No.3.
Mr. S. M. Vaishnav, Advocate for the Respondent No.5.

**CORAM : SMT. M.S. JAWALKAR, AND
NANDESH S. DESHPANDE, JJ.**

DATE : 07th APRIL, 2026.

ORAL JUDGMENT : (Per : SMT. M.S. JAWALKAR, J.)

1. Heard learned Counsel for the Petitioner, learned Assistant Government Pleader for Respondent No.1, learned Counsel Mr. Jaipurkar for Respondent No.3 and learned Counsel Mr. Vaishnav for Respondent No.5.

2. **RULE.** Rule made returnable forthwith. Heard finally with the consent of the learned Counsel appearing for the parties.

3. Present Petition is filed for seeking appropriate direction to Respondent No.3 – Education Officer (Primary), Zilla Parishad, Buldhana to take decision in respect of status of Respondent No.6 school and regarding payment of regular outstanding salary of the Petitioners pursuant to the Enquiry Report dated 01.02.2024.

4. It appears that the Petitioners herein made a representation to the Education Officer (Primary), Zilla Parishad, Buldhana on 23.02.2024 informing that they are not allowed to join the duty and since 27.09.2023 they are without salary. It further appears that by a Communication dated 27.10.2023, the Education Officer (Primary), Zilla Parishad, Buldhana constituted a Committee of Deputy Education Officer (Primary), Zilla Parishad, Buldhana, Superintendent, Panchayat Samiti, Motala and Extension Officer (Education), Panchayat Samiti, Buldhana to conduct an enquiry in respect of dispute between the Management and teachers of the Respondent School i.e. Sahityaratna Annabhau Sathe Marathi Primary School, Sakharkherda, Tq. Sindkhed Raja, District Buldhana. Accordingly, enquiry was conducted and Report was submitted to the Education Officer (Primary), Zilla Parishad, Buldhana on 01.02.2024. The conclusion drawn by the Committee specifically mentioned that the teachers are not responsible for reduction of the strength of students to zero. It was observed that inadequate infrastructure and other deficiencies are responsible for reduction of students.

5. The learned Counsel for the Zilla Parishad, Buldhana submitted that there is no proposal from the side of Management for declaring any teachers as surplus. Though it was informed by the Management that they will appoint financial Head of the Institution among the teachers and pay bill would be submitted, accordingly, the pay bills were submitted to the Education Officer. The Education Officer refused to pass the same on the ground that there was no approval of the Education Officer for such proposed retrenchment by the Management. Therefore, we deem it appropriate to direct Respondent No.5 - Management to forward the names of the teachers who are proposed to be retrenched immediately within a period of two weeks to the Education Officer (Primary), Zilla Parishad, Buldhana. The Education Officer (Primary), Zilla Parishad, Buldhana on receiving the same shall consider for its approval and also sanction the pay bills forwarded by the appointed financial Head of the institution. Any such proposal if forwarded to the Education Officer (Primary), Zilla Parishad, Buldhana, the same shall be considered within a period of two weeks from the submission of the proposal.

6. Needless to mention here that the Education Officer (Primary), Zilla Parishad, Buldhana to examine the proposal

without being influenced by the earlier rejection order passed by Education Officer himself. It is also expected that the Education Officer (Primary), Zilla Parishad, Buldhana will follow the Section 26 of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 after proposal is considered.

7. The Writ Petition stands disposed of in the above directions. No order as to costs. Pending application(s), if any, stand(s) disposed of.

(NANDESH S. DESHPANDE, J.)

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

Kirtak