



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 4833/2024

- 1) Shri. Satish Govindrao Surankar,
Aged- 54 Years, Occupation- Service,
R/O. C/O. Swa. Dakhane Vidyalaya,
Murumgaon, Tah- Dhanora,
Dist- Gadchiroli.

... PETITIONER

...VERSUS...

- 1) Deputy Director of Education,
Nagpur Division, Nagpur.
- 2) The Education Officer (Sec.),
Zilla Parishad, Chandrapur.
- 3) Shri K. R. Dakhane Adivasi Shikshan
Sanstha, Murumgaon, Tah- Dhanora,
Dist. Gadchiroli, through its Secretary.
- 4) Swargiya Ramchandrajji Dakhane
Vidyalaya, Murumgaon, Tah- Dhanora,
Dist- Gadchiroli, through its Headmaster

...RESPONDENTS

Mr. P. N. Shende, Advocate for the petitioner
Ms. D. I. Charlewar, AGP for the respondent/State

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

DATED : 12th MARCH, 2026.

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, J.)

1. Heard. **Rule.** Rule is made returnable forthwith.
2. We have heard Mr. P. N. Shende, learned counsel for the petitioner. None appears on behalf of respondent Nos. 3 and 4 though served.
3. The facts, which are stated in the petition, are as under :-
 - (a) The petitioner was appointed by following the due process of law on 11.07.1996, as a Trained Graduate Teacher on probation for a period of two years, and his appointment was duly approved by the Education Officer.
 - (b) On 07.12.2004, while finding the work of the petitioner to be excellent and satisfactory, he was promoted to the post of Headmaster.
 - (c) Thereafter, on 02.02.2024, respondent No. 3 reverted the petitioner from the post of Headmaster to the post of Assistant

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Teacher. It is the contention of the learned counsel for the petitioner that the same was done without conducting any inquiry or in defiance of the procedure under the Maharashtra Employees of Private Schools (Conditions of Service) Act, 1977 (for short, “***the MEPS Act***”) and Rules, 1981 (for short, “***the MEPS Rules***”).

(d) On 11.07.2024, the respondent No. 3 again withheld two annual increments of the petitioner permanently without following due process of law. This has constrained the petitioner to file the present petition challenging the communication dated 11.07.2024. We have perused the said communication.

4. Mr. P. N. Shende, learned counsel for the petitioner, submits that as far as the aspect of reversion is concerned, he has already challenged the same before the School Tribunal by filing Appeal No. 5/2024. The School Tribunal was pleased to allow the appeal vide judgment dated 28.03.2025. It is therefore the contention of the learned counsel for the petitioner that, as far as the aspect of cancelling two annual increments is concerned, there is no power vested in the management, and therefore, the action is *dehors* the

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power vested in the management. He, therefore, submits that apart from the fact that there is a case of double jeopardy violating Article 20 of the Constitution of India, the action is without any power in that regard.

5. On consideration of the above material and submissions made by the learned counsel for the petitioner, we find reasonable substance in the said submissions. Rule 29 of the MEPS Rules states the penalties, and sub-rule (2) prescribes the power of withholding an increment for a period not exceeding one year. Bare perusal of the impugned communication dated 11.07.2024 would reveal that there are two increments and the same are not withheld, but the same are permanently cancelled, thus the action of the respondent Nos. 2 and 4 – management cannot be countenanced. In that view of the matter, we pass the following order : –

ORDER

- (i) The writ petition is allowed.
- (ii) The impugned communication dated 11.07.2024 is hereby quashed and set aside.

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(iii) It is further directed that the respondent No. 3 shall forthwith release the annual increments of the petitioner w.e.f. July 2024 onwards.

6. Rule is made absolute in the aforesaid terms, and the writ petition is disposed of.

(NANDESH S. DESHPANDE, J.)

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