



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 7695 OF 2025

1. Praful Ambadas Wankhade
Age @ 34 yrs, Occ – Service,
2. Pravin Ambadas Wankhade
Age @ 36 yrs, Occ – Service,
Both R/o Grautam Nagar, Amravati,
Tq. & Dist. Amravati

...PETITIONERS

VERSUS

1. The Education Officer (Primary),
Zilla Parishad, Amravati, Tq. & Dist.
Amravati
2. The Superintendent of Salary,
Pay Unit and E.P.F. (Primary), Walgaon Road,
Amravati, Tq. & Dist. Amravati
3. Mahila Bal Apanga Va Gramin Vikas
Sanstha, through its President/Secretary,
having its officer at Anjangaon Surji, Tq.
Anjangaon Surji, Dist. Amravati

...RESPONDENTS

Shri S.M. Vaishnav, Advocate for petitioners
Ms H.N. Jaipurkar, Advocate h/f Shri B.N. Jaipurkar, Advocate for respondent No. 1
Ms D.I. Charlewar, AGP for respondent/State
Shri A.N. Shinde, Advocate for respondent No.3

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
DATE : 25.03.2026

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

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the parties.

3. The present petition assails the communication dated 02.06.2025 issued by the respondent No.2 and further prays for a direction for releasing the salary from May 2025 by accepting the pay bills in that regard.

4. The facts, which can be culled out from the petition are as under:

That on 24.06.2013, petitioner No.1 was appointed as an Assistant Teacher in the school run by respondent No.3, and his services were approved vide order dated 08.08.2013. Similarly, the petitioner No.2 was appointed on 25.07.2013, and his services were also approved by the same order dated 08.08.2013.

5. It is the contention of the petitioners that, from June 2013 to May 2025, they were receiving salary from government grants, as the school is receiving 75% grant-in-aid.

6. On 19.05.2025, the respondent No.1 directed the petitioners to produce TET certificates till 23.05.2025, failing which the salary would be stopped from May 2025. Thereafter, on 02.06.2025, the respondent No.2 passed the impugned communications refusing to accept the salary bills. It is this communication which is assailed in the present petition on various grounds.

7. We have heard Shri S.M. Vaishnav, learned Counsel for the petitioners, Ms H.N. Jaipurkar, learned Counsel for respondent No.1, Ms D.I. Charlewar, learned AGP for respondent/State and Shri A.N. Shinde, learned Counsel for respondent No.3.

8. The only short ground which the learned Counsel for the petitioners has tried to canvas is that the order dated 02.06.2025, which is impugned in the petition, is admittedly passed without putting the petitioners on notice or without hearing them. He places reliance on the judgment of this Court, Aurangabad Bench, in Writ Petition No. 11466/2014, wherein the Coordinate Bench of

this Court, in identical circumstances, held that when the respondent Education Officer stopped salary grants without notice or opportunity of the hearing, such an action without adhering to principles of natural justice, cannot be countenanced.

9. We have gone through the record of the matter, and also the judgment of the Coordinate Bench referred to supra. As can be seen from the record, the petitioners were not heard before the passing of the impugned order. This action on the part of the respondent No.2, in our view, cannot be countenanced. It is a trite principle of law that any action warranting civil consequences will have to adhere to the principles of natural justice, inasmuch as there should be a notice to the person affected and he should be given an opportunity of hearing. In the present case, nothing of this sort has been done.

10. We are, therefore, of the considered opinion that the order impugned cannot withstand the scrutiny of law. It is accordingly quashed and set aside. In the resultant the following order is passed.

11. The writ petition is disposed of in above terms.

- i) The order dated 02.06.2025 is hereby quashed and set aside.
- ii) The respondent No.1, i.e., the Education Officer (Primary), Zilla Parishad, Amravati, is directed to grant a hearing to the petitioners and hear them.
- iii) The petitioners undertake to appear before the Education Officer on 09.04.2026 with order of the present matter and abide by the further directions of the said respondent No.1. Needless to mention that the respondent No.1 shall decide the claim of the petitioners in accordance with law and in accordance with the policy of the Government in that regard.
- iv) Since the petitioners are not getting salary since May 2025, we direct the respondent No.1 to decide their claim expeditiously, in any case till 31.05.2026.

12. The petition is disposed of in the above terms with no order as to costs.

(NANDESH S. DESHPANDE, J.)

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

Jayashree..