



4258-2026

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

WRIT PETITION NO. 4258 OF 2026

(Maharashtra Rural Education Society, Lakhandur, District – Bhandara, through its President & Anr.
Vs. The Divisional Deputy Director of Education, Nagpur & Ors.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr. P.A. Jibhkate, Counsel for the petitioners.
Mr. S.B. Bissa, A.G.P. for the respondents/State.

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CORAM : ANIL L. PANSARE AND
RAJNISH R. VYAS, JJ.
JUNE 8, 2026

Challenge is to orders dated 20/11/2025 and 25/11/2025 passed by respondent no.2 - Education Officer (Secondary), Zilla Parishad, Bhandara. The petitioners are seeking directions against respondent nos. 2 and 3 to permit petitioner no.2 – Headmaster of School, to discharge his administrative and financial functions. By a further prayer, the petitioners are seeking directions against respondent nos. 2 and 3 to release salary of petitioner no.2.

2] Having heard both sides, and having gone through the record, it appears that the issue involved is covered by a judgment passed by the Division Bench of this Court in *Vinod Shikshan Sanstha and another Vs. The Education Officer (Secondary), Zilla Parishad, Bhandara and another* [Writ Petition No. 4846/2025 decided on 7/3/2026]. In the said case also, the administrative and financial powers of a Headmaster were infringed on the ground of ongoing investigation in the alleged scam,

popularly known as 'Shalarth ID Scam'. The Division Bench referred to various provisions of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981, particularly sub-rule (5) of Rule 33, and held as under :

“13. Bare perusal of the said sub-Rule (5) would reveal that it puts an embargo to draw any pay and allowance for such period till the termination of the proceedings as mentioned in the said sub-Rule (5). However, the said sub-Rule(5) nowhere contemplates that an employee like the Head-Master, as in the present case, the petitioner No.2, can be denuded of its administrative and financial powers. It is an admitted position on record that the petitioner No.2 has been promoted as Head-Master by following due process of law and the competent authority i.e. the respondent No.1 has also granted approval to the said appointment. As held by this Court judgment of Vasant Ugale referred supra, period of suspension and more particularly deeming suspension is limited for which the employee is detained in custody. It, therefore, follows that once the employee out of the custody, the suspension stands revoked. Furthermore, apart from this, effect of suspension is only limited to disallowing of drawing any pay or allowance. It nowhere speaks of restraining a Head-Master from performing his administrative and financial duties as that of submitting pay bills to the Education Officer. We could not find any power in the M.E.P.S. Act or Rules framed thereunder under which such a communication which is impugned in the petition could be issued. The letter/communication dated 07/08/2025 in our view is de-hors of any power under the said statute and it being so is liable to be quashed and set aside.”

3] As could be seen, in the said case, the Headmaster was arrested, and was later released. The Division Bench, however, found that the Rules do not

permit the respondents to restrain the Headmaster from performing his administrative and financial duties, particularly submitting pay bills to the Education Officer. Accordingly, the letter/communication was set aside.

4] In the present case, the powers of petitioner no.2 – Headmaster have been curtailed on similar grounds, viz., ongoing investigation in the alleged Shalarth ID Scam. The respondents have called upon petitioner no.2 to delegate his powers to senior-most Teacher and/or to obtain permission of the S.I.T. to permit the Headmaster to exercise administrative and financial powers.

5] In our considered view, on such a plea, the respondents could not curtail the powers of the Headmaster to discharge administrative and financial functions particularly when it is not the case of the respondents that the Headmaster is otherwise disqualified from discharging such duties.

6] That being so, and for the reasons stated in *Vinod Shikshan Sanstha and another (supra)*, the petition is allowed. Orders dated 20/11/2025 and 25/11/2025 passed by respondent no.2 - Education Officer (Secondary), Zilla Parishad, Bhandara, are quashed and set aside. Petitioner no.2 – Headmaster is permitted to discharge administrative and financial functions in accordance with law.

7] Needless to say that the unpaid salary of petitioner no.2 shall be released by the respondents, if there is no other legal impediment.

8] The petition is disposed of in above terms.
No costs.

(JUDGE)

(JUDGE)

Sumit