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

WRIT PETITION NO.6704 OF 2018

Petitioner : **Ku. Vidya Ambadas Thakare,**
Aged 37 years, Occu. Service,
Z.P. Primary School Bhatori,
Panchayat Samiti Murtizapur,
R/o Murtizapur, Tq. Murtizapur, District Akola.

-- Versus --

Respondents : **1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.

2] The Zilla Parishad, Akola,
Through its Chief Executive Officer,
District Akola.

3] The Education Officer (Primary),
Zilla Parishad, Akola,
District Akola.

With

WRIT PETITION NO.6807 OF 2018

Petitioner : **Rehanabano Mohammad Sayeed Kureshi,**
Aged about 47 years, Occu. Service,
R/o Hazi Nagar, Behind Raza Masjid, Akot Fail,
Akola, District Akola.

-- Versus --

Respondents : **1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.

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2] The Zilla Parishad, Akola,
Through its Chief Executive Officer,
District Akola.

3] The Education Officer (Primary),
Zilla Parishad, Akola,
District Akola.

With

WRIT PETITION NO.6614 OF 2018

Petitioner : **Vikasrao s/o Bhagorao Patil,**
Aged 44 years, Occu. Service,
R/o Gajanan Palace, Flat No.202,
Near Khambalkar Coaching Class,
Ranpise Nagar, Akola, District Akola.

-- Versus --

Respondents : **1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.

2] The Zilla Parishad, Akola,
Through its Chief Executive Officer,
District Akola.

3] The Education Officer (Primary),
Zilla Parishad, Akola,
District Akola.

With

WRIT PETITION NO.6705 OF 2018

Petitioner : **Ku. Preeti Sudhakar Dhadse,**
Aged about 30 years, Occu. Service,
C/o Zilla Parishad Primary School,
Paras (Barad), Panchayat Samiti Balapur,
District Akola.

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-- Versus --

- Respondents :**
- 1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.
 - 2] The Zilla Parishad, Akola,**
Through its Chief Executive Officer,
District Akola.
 - 3] The Education Officer (Primary),**
Zilla Parishad, Akola,
District Akola.

With

WRIT PETITION NO.6615 OF 2018

- Petitioner :**
- Ku. Rama Ramkrushna Gawande,**
Aged 45 years, Occu. Service,
C/o Zilla Parishad Primary School Chikhali,
Panchayat Samiti Murtizapur,
Tq. Murtizapur, District Akola.

-- Versus --

- Respondents :**
- 1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.
 - 2] The Zilla Parishad, Akola,**
Through its Chief Executive Officer,
District Akola.
 - 3] The Education Officer (Primary),**
Zilla Parishad, Akola,
District Akola.

With

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WRIT PETITION NO.6703 OF 2018

Petitioner : **Sau. Surekha Subhash Mawale,**
Aged 49 years, Occu. Service,
C/o Zilla Parishad Primary School Umari No.1,
Panchayat Samiti Akola, District Akola.

-- Versus --

Respondents : **1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.

2] The Zilla Parishad, Akola,
Through its Chief Executive Officer,
District Akola.

3] The Education Officer (Primary),
Zilla Parishad, Akola,
District Akola.

With

WRIT PETITION NO.6702 OF 2018

Petitioner : **Sau. Mandakini Madhav Kale,**
Aged 47 years, Occu. Service,
R/o Maratha Nagar, Akola,
Tah. & District Akola.

-- Versus --

Respondents : **1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.

2] The Zilla Parishad, Akola,
Through its Chief Executive Officer,
District Akola.

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3] The Education Officer (Primary),
Zilla Parishad, Akola,
District Akola.

With

WRIT PETITION NO.6616 OF 2018

Petitioner : **Sau. Vandana Gajanan Chandan,**
Aged about 45 years, Occupation : Service,
R/o Bili Colony, Near Jatharpeth Post Office,
Vansadapeth, Akola, Tah. & District Akola.

-- Versus --

Respondents : **1] The State of Maharashtra,**
Through Secretary,
Rural Development Department, Mantralaya,
Mumbai : 32.

2] The Zilla Parishad, Akola,
Through its Chief Executive Officer,
District Akola.

3] The Education Officer (Primary),
Zilla Parishad, Akola,
District Akola.

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Shri R.D. Karode, Advocate for the Petitioner.
Mrs. Kalyani Deshpande, A.G.P. for Respondent No.1.
Shri Mangesh Bute, Advocate for Respondent Nos.2 & 3.

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CORAM : **S.B. SHUKRE & S.M. MODAK, JJ.**

DATE : **7th FEBRUARY, 2019.**

ORAL JUDGMENT :- (Per S.B. Shukre, J.)

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

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02] It is not disputed that the order of punishment dated 02/08/2018 imposes a punishment of withholding of one increment permanently. It is undisputed that this is a major penalty prescribed in the Rules. It is also an undisputed fact that the procedure for imposing major penalty has not been followed. Thus, there is no disputed question of fact and hence, in spite of existence of an alternate remedy of filing an appeal, the petition can be decided.

03] On the basis of the aforesaid undisputed factual aspect, the impugned order cannot be sustained and the same will have to be quashed and set aside.

04] In the result, the writ petition is allowed. The order dated 02/08/2018 imposing major penalty withholding one increment permanently is quashed and set aside. However, the respondents are at liberty to follow proper procedure for imposing major penalty, if any.

05] Rule is made absolute in the aforesaid terms with no order as to costs.

(S.M. Modak, J.)

(S.B. Shukre, J.)

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