



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**BENCH AT AURANGABAD**

**WRIT PETITION NO.14213 OF 2025**

1. Vaibhav Kailas Patil
  2. Sharad Ishwar Gayakwad
  3. Vinod Ramesh Desale
- .. Petitioners**

**Versus**

1. The State of Maharashtra  
(Through its Principal Secretary)  
School Education and Sports Department,  
Mantralaya, Mumbai-32.
  2. Deputy Director of Education,  
Nasik Region, Nasik.
  3. Education Officer (Secondary),  
Zilla Parishad, Jalgaon.
  4. Superintendent,  
Pay and Provident Fund Unit (Secondary),  
Zilla Parishad, Jalgaon.
  5. Bismillah Multipurpose Foundation,  
(Through its Secretary),  
Pachora, Tq. Pachora, Dist. Jalgaon.
  6. Datta Madhyamik Vidyalaya,  
Lohari Bk. (Through its Headmaster)  
Lohari Bk., Tq. Pachora, Dist. Jalgaon.
- .. Respondents**

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Ms. Surekha P. Mahajan and Mr. Vivek B. Patil, Advocate for the petitioners.

Mr. A. M. Phule, APP for the respondent Nos.1 to 4/State.

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**CORAM : SMT. VIBHA KANKANWADI &  
HITEN S. VENEGAVKAR, JJ.**

**DATE : 14 JANUARY 2026**

**ORDER :**

. Present petition has been filed for following relief :-

“B. By issuing writ of mandamus or any other writ of like nature order, the respondent No.3 and 4 may kindly be directed to disburse the salary of all the petitioners from the month of July 2025 up till date forthwith and further be directed to pay the regular salary of the petitioners.”

2. Heard learned Advocate for the petitioners. He submits that the petitioners have been appointed after adopting due procedure of law. Their appointments have been approved and Shalarth I.D. was also given to them, however, all of a sudden without hearing the petitioners, their salaries have been stopped/not disbursed.

3. Learned AGP waives notice for respondent Nos.1 to 4. We had asked him to take instructions as to why the salary has been stopped. He places on record the documents, which are taken on record by marking Exhibit-‘X’ collectively. It has been submitted that one Vishal Neve had made complaint application to the Government and after hearing the concerned persons, the Institution in which the petitioners are working which was declared as minority institution, its minority status has been

cancelled by order dated 28.05.2025. He places on record the order dated 12.09.2025 wherein even the appeal filed by the Institution before respondent No.1 came to be dismissed. In the said order, the Government upheld the decision and on 28.05.2025 a separate order has been passed that the certificate of minority institution obtained by Bismillah Multipurpose Foundation, Taluka Pachora, District Jalgaon dated 27.05.2013 stands cancelled and all the benefits which were given to the Institution from the date of issuance of certificate are taken away. Therefore, respondent No.3 has not disbursed the salary.

4. At this stage, issue notice to the respondents. Learned AGP waives notice for respondent Nos.1 to 4. Notice of respondent Nos.5 and 6 is made returnable on 10.02.2026.

5. The fact is certain that this communication dated 14.01.2026 i.e. of today's date by respondent No.3 to the learned AGP would show that the present petitioners were not heard before the action of stopping their salary. A statement has been made in this communication that "सदर शाळेच्या हस्तांतरणापूर्वीच्या कर्मचा—यांचे वेतन हे नियमित सुरु आहे". That means, the other employees are getting salary, but according to respondent No.3, these three petitioners appointments were by the Institution which was declared as minority institution. Now, from the appeal as well as from the other documents, it appears that one Datta

Madhyamik Vidyalaya, Lohari, Taluka Pachora, District Jalgaon was originally established by Navalbhau Pratishtan, Navalnagar, Taluka and District Dhule. It was transferred by order dated 09.09.2019 issued by Education Department to Bismillah Multi Purpose Foundation. Now, in the order of cancellation and in appeal, there are strictures on the administration as to which false documents were used etc. The question to be considered is as to whether the petitioners could have had the knowledge about the fraudulent act on the part of respondent Nos.5 or respondent No.6. Further, at the cost of repetition, the transfer of respondent No.6 to respondent No.5 appears to be under the orders of the Education Department. Under such circumstance, before stopping the salary atleast the petitioners ought to have heard and, therefore, by way of interim relief, we direct respondent No.3 to release the salaries of the petitioners, which are outstanding within a period of one month and respondent No.3 to go on paying the salary of the petitioners till next date.

6. We may observe that failure on the part of respondent No.3 would invite serious action.

[ HITEN S. VENEGAVKAR ]  
JUDGE

[ SMT. VIBHA KANKANWADI ]  
JUDGE

scm