



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

**WRIT PETITION NO. 7 OF 2026
WITH CIVIL APPLICATION NO. 14 OF 2026**

Yeshwant Shashikant Mekale
VERSUS
The State Of Maharashtra And Others

Mr. S. S. Manale, Advocate for petitioner
Mr. A. B. Girase, GP for respondent Nos. 1 to 4.

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 11th February, 2026

PER COURT :-

1. Issue notice to respondents.
2. Learned GP waives notice for respondent Nos. 1 to 4.
3. Notice of respondent Nos. 5 to 7 is made returnable on 24.03.2026.
4. Before proceeding, we must place it on record that the petitioner is challenging the order passed by Grievance Redressal Committee, Latur dated 28.11.2025. Said Grievance Committee is stated to have been establish in view of Government Resolution dated 27.03.2024. It is in the form of appeal. Said committee was to decide the appeal/applications. On the last occasion, we had asked learned GP

as to whether the State Government can create such forum. This was in view of the fact that there was decision by this Court in **Vimal Namdeorao Kurwade Vs. The State of Maharashtra and others** in Writ Petition No. 4168 of 2022 decided on 02.04.2024 to which Smt. Vibha Kankanwadi, J. was party and in respect of Government Resolution dated 03.10.2017, whereby the forum was created in the form of appeal by making observations, it was then held that further remedies from clause No. 2 onwards in the said Government Resolution dated 03.10.2017, were not available to the petitioner as the State Government by way of Government Resolution was not empowered to create appellate forum by issuing such resolution.

5. Learned GP then relies on the decision in Writ Petition No. 7355 of 2024 (**Komal Balaji Awatirak and another Vs. State of Maharashtra and others**) with companion matters decided on 25.10.2024. This Court upheld the said resolution and granted opportunity to the petitioners to approach the appellate committee/forum available under the GR dated 27.03.2024.

6. Learned Advocate for the petitioner as well as learned GP places on record an order passed on 19.12.2024 in Writ Petition No. 8322/2023 (**Shri Agrasen Shikshan Sanstha, Gondia and others vs. State of Maharashtra and others**) wherein it was found that the

decision in **Komal Balaji Awatirak** (Supra) was contrary to earlier decision of this Court in **Saramma Varghese v. Secretary/President, S.I.C.E.S. Society and others**, 1989 Mh. L. J. 951 and, therefore, the matter was referred to larger bench by formulating a specific question which reads as under :

"When the statutory provision as contained in the MEPS Act and the Rules framed therein, empower the Education Officer/Director of Education to take decision in respect of certain matters, which are required to be decided by them, would it be permissible, for the State in exercise of the powers under Article 162 of the Constitution of India, to provide an appellate remedy by way of a Government Resolution dated 27/03/2027?"

7. Learned GP then places on record order dated 16.06.2025 in the same matter after the larger Bench was constituted and when it was found that one of the members of the Hon'ble Bench was the arguing counsel in the bunch of petitions in **Komal Balaji Awatirak** (Supra), he cannot take up the matter for hearing and, therefore, the matter was then directed to be placed before Hon'ble Chief Justice for reconstitute of the Bench. It is now, informed that the larger Bench has not been constituted yet.

8. This Court can still go ahead with the challenge to the order passed by the Grievance Redressal Committee and, therefore, there shall be an affidavit-in-reply on behalf of respondent Nos. 1 to 4 to be filed within a period of four weeks from today.

9. In addition, we are only observing that the Education Officer, Secondary, Zilla Parishad, Latur and Deputy Director should take note of the fact that the matter is pending before this Court.

10. Place the matter for further consideration on 24.03.2026.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi