प्रकरणाशी संबंधित नसलेल्या व्यक्ती (त्रयस्थ व्यक्ती) अथवा तत्संबंधितांकडून प्राप्त झालेल्या तक्रारी/ अर्ज / निवेदनांबाबत.

महाराष्ट्र शासन
उच्च व तंत्र शिक्षण विभाग,
शासन परिपत्रक क्रमांक आस्था-२०२५/ई १४६९५/ विशि-१
मादाम कामा मार्ग, हुतात्मा राजगुरू चौक,
४ था मजला (विस्तार),मंत्रालय, मुंबई- ४०० ०३२.
दिनांक: -१८ फेब्रुवारी, २०२५.

संदर्भ:-

१) राजकीय सेवा विभाग, शासन अधिसूचना क्रमांक ओएफसी १०५८-बी,दिनांक ३ डिसेंबर,१९५८.
२) सामान्य प्रशासन विभाग परिपत्रक क्रमांक संकीर्ण-२०१९/प्र.क्र.७१/१८(र.व का.) दिनांक १४ ऑक्टोबर,२०१९.
३) मा.उच्च न्यायालय, औरंगाबाद खंडपीठ यांनी रिट याचिका क्रमांक २४९२/२०२४ (याचिकाकर्ता श्री.निशांत गटकळ) या प्रकरणी दिनांक २३ ऑक्टोबर,२०२४ रोजी पारित केलेले आदेश.

प्रस्तावना:-

त्रयस्थ व्यक्तींकडून प्राप्त होणाऱ्या संदर्भावर कश्या प्रकारे कार्यवाही करावी याची कार्यपध्दती संदर्भीय अधिसूचना आणि परिपत्रक याद्वारे विहित करण्यात आली आहे. तथापि, सदर कार्यपध्दतीचा अवलंब करण्यात येत नसल्याची बाब निदर्शनास आल्याने मा.उच्च न्यायालयाने संदर्भीत न्यायालयीन प्रकरणी नाराजी व्यक्त केली आहे.

०२. शाळांमधील शिक्षकांच्या नियुक्तीसंदर्भात, त्रयस्थ व्यक्तींनी केलेल्या तक्रारीच्या अनुषंगाने मा.उच्च न्यायालय, खंडपीठ औरंगाबाद येथे विविध याचिका दाखल झाल्या होत्या. मा. उच्च न्यायालयाने त्रयस्थ व्यक्तीकडून प्राप्त झालेल्या तक्रार / अर्जांवर करण्यात आलेल्या कार्यवाहीबाबत वेळोवेळी खालीलप्रमाणे निर्देश दिले आहेत / निरिक्षण नोंदविले आहे:-

1) Hemraj Jagannath Fedade v/s The State of Maharashtra and Others (5973/2020) paragraph number 4:-

We are not convinced by the credentials of the petitioner. In service jurisprudence, a lay person cannot be permitted to question matters which fill within the realm of the Education Department. Neither any co-employee nor the Educational Institution, who can be said to be stake holders, are arrived by the approvals granted to the teachers pursuant to the order of this Court dated 13th April 2016.

2) Combined order in Pratidnya chavan v/s The State of Maharashtra and Others (5973/2020) and Jyoti Biradar chavan v/s The State of Maharashtra and Others (5973/2020) para number 7:-

We direct the Deputy Director of Education- Shri Anil Sampatrao Sabale, not to entertain any complaint from any political outfits, bystanders or those wholly unconnected with the Educational Institutions, until further orders from this Court. If the Deputy Director desires to go into the approval granted to any teacher, he shall first verify the records and he shall refrain from entertaining complaints from any strangers as directed above.

3) Sandeep Chudaman Shinde v/s The State of Maharashtra and Others (7740/2021) paragraph number 18:-

A G.R. dated 26.12.2019 has been issued by the Education Department of the State of Maharashtra directing all Education Authorities and other Authorities, not to entertain such complaints from strangers and unconnected persons. We, therefore, conclude that the Education Department should refrain from entertaining complaints from strangers. It has to be extremely alert and diligent, more so, to avoid the department being used for torturing employees or jeopardizing the career of teachers / employees

4) Vaishali Upasani v/s The State of Maharashtra and Others (9740/2024) paragraph number 2:-

In similar circumstances, this Court had dealt with the action initiated by the Deputy Director of Education on the basis of complaints made by such bystanders/political outfits, in Writ Petition No.4893/2024 and Writ Petition No.4901/2024. By passing an interim order for protecting the interests of the Petitioners, the Deputy Director of Education was directed not to proceed with the inquiries that were initiated pursuant to the complaints filed by such bystanders.

5) अश्याच स्वरुपाचे निरिक्षण मा.उच्च न्यायालय, औरंगाबाद खंडपीठ यांनी श्री.काशिनाथ पाटील विरुध्द महाराष्ट्र शासन (७३४०/२०२४) आणि विकास सोनावणे विरुध्द महाराष्ट्र शासन (७९६४/२०२४) या प्रकरणी नोंदविले आहे.

०३. मा.उच्च न्यायालयाने रिट याचिका क्रमांक २४९२/२०२४ (याचिकाकर्ता श्री.निशांत गटकळ) या प्रकरणी दिनांक २३ ऑक्टोबर,२०२४ रोजी पारित केलेल्या आदेशातील कार्यात्मक भाग पुढीलप्रमाणे आहे:-

"5. Time and again, we have cautioned the State Authorities not to entertain the applications filed by social workers or bystanders or persons unconnected with the organization and who have not suffered any personal legal injury.

6. In several cases, we have noticed that the persons describing themselves as social workers, lodge complaints against teachers and professors working in Schools, Colleges and Universities and hold out threats to the education department to compel them to commence roving inquiries against such employees. We have directed that such complaints should not be entertained. In some matters, we have also held that, Writ Petitions filed by such persons who intend to settle a personal score or pray for roving inquiries, should not be entertained.

7. The learned Senior Advocate appearing for the Petitioners submits that Respondent No. 5 herein, has lodged several complaints against the Petitioner Institution and has also started filing RTI applications seeking personal information about the employees and the management of the Institution, though he is completely unknown and unconnected with the institution.

8. Respondent No. 6 - Dr.Bhausaheb B. Chavan, who is the Deputy Director of Education, Nashik, has tendered an affidavit in reply from page 101, along with several documents, upto page 155. He has tendered an apology and has categorically stated that the impugned orders and the impugned notices issued by him, stand withdrawn, forthwith. He further submits that after noticing several orders passed by this Court, which have been referred to herein above, he has stopped entertaining the complaints filed by strangers or bystanders and would not entertain such complaints anytime in future.

9. We were contemplating suo moto action against Respondent No.6, since we find that though he was aware of our earlier orders referred to in the above paragraphs, for reasons best known to him, he has wholeheartedly entertained the applications of Respondent No. 5 and has highhandedly issued an order to register an FIR against one senior member of the Management.

10. Respondent No.5 appears to be habituated to holding out threats of self immolation, before various Deputy Directors of Education. Some of such complaints are placed before us by Respondent No.6, along with his affidavit in reply. These threats are aimed at terrorising the Government Officials. In view of such circumstances, we permit Respondent No.6 to lodge police complaints against Respondent No.5, whenever he holds out a threat of self-immolation or any such precipitative action or threat of fasting, etc., more so, in the light of the judgment delivered by this Court [Coram: Abhay S Oka (as His Lordship then was) and

Sandeep K Shinde, 3], on 12.12.2018, in Writ Petition no.8987 of 2018 (Balasaheb Vitthalrao Tidke v/s The State and another), at the Principal seat.

14. We direct the Registrar (Judicial) to place a copy of this order before the Chief Secretary of the State of Maharashtra, as well as, the Principal Secretaries, General Administration Department and the School and College Education Department, in order to issue strict directions to all the Education Departments and the Statutory Authorities to refrain from entertaining such complaints/ applications/ representations or of threats, by unconnected people, more so, in view of the Notification dated 3rd December 1958, the Circular dated 26th December, 2019 and the Government Resolution dated 14th October, 2019 referred to herein above."

०४. माननीय उच्च न्यायालयाने पारित केलेले वरील आदेश तसेच, मा.मुख्यसचिव, महाराष्ट्र राज्य यांच्या कार्यालयाकडून प्राप्त झालेल्या सुचना विचारात घेऊन संबंधितांना स्पष्ट निर्देश देण्याची बाब शासनाच्या विचाराधीन होती.

शासन परिपत्रक:-

दिनांक ३ डिसेंबर,१९५८ ची अधिसुचना आणि दिनांक १४ ऑक्टोबर,२०१९ च्या परिपत्रकान्वये त्रयस्थ व्यक्तीकडून प्राप्त तक्रारींवर करावयाच्या कार्यवाहीची कार्यपध्दती विहित करण्यात आली आहे. सदर कार्यपध्दती / तरतुदी विचारात घेऊन, तसेच, वर नमूद केलेले विविध न्यायालयीन आदेश विचारात घेता, प्रकरणाशी संबंधित नसलेल्या व्यक्ती (त्रयस्थ व्यक्ती) अथवा तत्संबंधितांकडून प्राप्त झालेल्या तक्रारी/ अर्ज / निवेदने अथवा धमकी विचारात घेऊ नये, असे स्पष्ट निर्देश देण्यात येत आहेत. विशेषत: अश्या प्रकरणी कार्यवाही करताना ती कोणत्याही न्यायालयीन निर्णयाशी विसंगत होणार नाही, याची दक्षता विभागातील सर्व अधिकाऱ्यांनी घ्यावी.

सदर शासन निर्णय महाराष्ट्र शासनाच्या www.maharashtra.gov.in या वेबसाईटवर उपलब्ध करण्यात आला असून त्याचा संकेतांक २०२५०२१८१७५०१७८६०८ असा आहे. हा आदेश डिजीटल स्वाक्षरीने साक्षांकित करुन काढण्यात येत आहे.

महाराष्ट्राचे राज्यपाल यांच्या आदेशानुसार व नावाने.

PRATAP PANDURANG LUBAL

Digitally signed by PRATAP PANDURANG LUBAL
DN: c=IN, o=GOVERNMENT OF MAHARASHTRA, ou=HIGHER AND TECHNICAL EDUCATION DEPARTMENT,
2.5.4.20=b0d6763338fc6cc4f7cf07ca60db7abc1cfac99c84ab1b5bfc0dae4609d531d0, postalCode=400032, st=Maharashtra,
serialNumber=AF6895C47A84066432F5BDD1F182B4163D880AC98DBD24A193FD0E7310BBEB59, cn=PRATAP PANDURANG LUBAL
Date: 2025.02.18 17:52:36 +05'30'

(प्रताप पां. लुबाळ)
उपसचिव, महाराष्ट्र शासन

प्रति,:-

१. मा. मंत्री, उच्च व तंत्रशिक्षण यांचे खाजगी सचिव, मंत्रालय, मुंबई.
२. मा. राज्यमंत्री, उच्च व तंत्र शिक्षण यांचे खाजगी सचिव, मंत्रालय, मुंबई.
३. मुख्य सचिव, मराष्ट्र राज्य, मंत्रालय, मुंबई.
४. अप्पर मुख्य सचिव (सेवा), सामान्य प्रशासन विभाग, मंत्रालय, मुंबई
५. अप्पर मुख्य सचिव, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई
६. प्रधान सचिव, शालेय शिक्षण व क्रीडा विभाग, मंत्रालय, मुंबई.
७. सर्व सहसचिव /उपसचिव, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई.
८. संचालक (उच्च शिक्षण/तंत्र शिक्षण/ कला/ ग्रंथालय), पुणे/ मुंबई.
९. सर्व कुलसचिव, अकृषि विद्यापीठे.

१०.सर्व विभागीय सहसंचालक, उच्चशिक्षण/तंत्रशिक्षण.
११.सर्व सहायक संचालक / जिल्हा ग्रंथालय अधिकारी.
१२. सर्व कार्यासने, उच्च व तंत्र शिक्षण विभाग, मंत्रालय, मुंबई.
१३.निवड नस्ती.