



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

WRIT PETITION NO. 3183 OF 2018

[Mrs. Deepa Sanjay Budhalani and anr. **vs.** State of Maharashtra, through its Secretary,
Department of School Education and ors.]

with

WRIT PETITION NO. 6366 OF 2018

[Sagar S/o Purushottam Akarte **vs.** The State of Maharashtra, through its Secretary,
Department of Education and ors.]

with

WRIT PETITION NO. 3263 OF 2018

[Franceline Education Society, through its President/Secretary and ors. **vs.** The State of
Maharashtra, through its Secretary, Department of Education and ors.]

with

WRIT PETITION NO. 4312 OF 2018

[Ku. Jaya Baban Dhawale **vs.** Deputy Director of Education, Nagpur Division, Nagpur
and ors.]

with

WRIT PETITION NO. 4313 OF 2018

[Prakash Govindrao Lanjewar **vs.** Deputy Director of Education, Nagpur Division, Nagpur
and ors.]

with

WRIT PETITION NO. 4421 OF 2018

[Shri Ashish S/o Ramrao Hatwar and anr. **vs.** State of Maharashtra, through its Secretary,
Education and Sports and ors.]

with

WRIT PETITION NO. 5022 OF 2018

[Ku. Rita Udhav Warade **vs.** The Commissioner of Education, Pune and ors.]

with

WRIT PETITION NO. 6419 OF 2018

[Poonam Subhash Firke **vs.** The Deputy Director of Education, Amravati and ors.]

with

WRIT PETITION NO. 6434 OF 2018

[Manoj s/o Kisan Dhongade and ors. **vs.** State of Maharashtra, through its Secretary,
Department of School Education and ors.]

with

WRIT PETITION NO. 3184 OF 2018

[Ashwini Harish Sontakke and ors. **vs.** The State of Maharashtra, through its Secretary,
Department of School Education and ors.]

with

WRIT PETITION NO. 3252 OF 2018

[Gram Vikas Education Society, Gothangaon, Tah. Kuhi, Dist. Nagpur through its Secretary
and ors. **vs.** Deputy Director of Education, Nagpur Division, Nagpur and anr.]

with

WRIT PETITION NO. 3261 OF 2018

[Mr. Mazhar Ali Mohd. Ali and ors. vs. The State of Maharashtra, through its Secretary,
Department of Education and ors.]

Office Notes, Office Memoranda
of Coram, Appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's orders

Mr. B. G. Kulkarni, Advocate for petitioners in WP 3183/18, 3184/18 & 6434/18
Mr. P. N. Shende, Advocate for the petitioners in WP 3252/18, 4312/18 & 4313/18
Mr. P. S. Kshirsagar, Advocate for petitioners in WP 6419/18 & 5022/18
Mr. V. N. Patre, Advocate for petitioners in WP 4421/18
Mr. P. P. Thakare, Advocate for petitioners in WP 3261/18 & 3263/18
Mr. D. M. Kale, Advocate for petitioner in WP 6366/18
Mr. S. B. Bissa, Mr. N. R. Patil, Mr. A.G. Mate, Mr. A. V. Palshikar, and Ms. H. S. Dhande, AGPs for the State/respective respondents
Mr. V. P. Marpakwar, Advocate for respondent nos. 4 and 5 in WP 3183/18
Mr. Mohammad Rafique, Advocate for respondent nos. 4 and 5 in WP 3261/18
Mr. B. N. Jaipurkar, Advocate for respondent no. 2 in WP 6419/18
Mr. A. P. Chaware, Advocate for respondent no. 3 in WP 6419/18
Mr. Mahesh Rai, Advocate for respondent no. 3 in WP 5022/18

CORAM : **ANIL L. PANSARE AND**
RAJNISH R. VYAS, JJ.

DATE : **02-07-2026.**

Heard learned counsels for the respective parties.

2. The controversy involved in all these petitions is decided by this common order as issue is similar.

3. Learned counsel for the petitioners have argued that they are either member of teaching or non-teaching staff and their approvals were cancelled by the

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Deputy Director of Education without issuing show cause notice. Learned counsel for the petitioners have relied upon Government Resolution (G.R.) dated 23-8-2017 so also the judgment passed by this Court in ***Writ Petition No. 1315/2022 (Dilipkumar Patle and anr. Vs. Deputy Director of Education, Nagpur Division, Nagpur and ors.) dated 5-9-2022*** in order to support their case. In their brief submission, they have contended that as the show cause notice was not given and opportunity of hearing was denied, the orders impugned cannot be sustained.

4. Per contra, learned Assistant Government Pleaders and respective counsels for the respondents have argued that the notice of hearing was duly given to the petitioners and thereafter orders were passed. They submit that the orders impugned are just and proper.

5. With the help of respective counsels, we have gone through the record of the case. It is undisputed that the petitioners are teaching and non-teaching staff of the educational institutions. It is also not disputed that the approvals were granted by the Education Department which were ultimately cancelled by the Deputy Director of Education. The question whether hearing was granted or not and whether show cause notice was issued is required to be ascertained on the touchstone of the submissions made by learned AGPs. The contention of the learned AGPs that the notice of hearing is given, in our opinion, would not be sufficient compliance of the G.R. and the order passed by the

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coordinate Bench of this Court. It has to be stated that there is difference between show cause notice and notice calling upon the petitioners to attend the hearing. Since the notice for hearing is bereft of any material, we cannot come to the conclusion that it was show cause notice. Be that as it may, since it is undisputed position that neither show cause notice was given nor opportunity of hearing was afforded, we are inclined to the allow the petitions in following terms.

- (i) The petitions are allowed.
- (ii) The orders passed by the Deputy Director of Education cancelling approval granted to the petitioners are quashed and set aside.
- (iii) The Deputy Director of Education before taking any decision shall adhere to the G.R. dated 23-8-2017 and the judgment passed by this Court in *Writ Petition No. 1315/2022 (Dilipkumar Patle and anr. Vs. Deputy Director of Education, Nagpur Division, Nagpur and ors.) dated 5-9-2022.*

(RAJNISH R. VYAS, J.)

(ANIL L. PANSARE, J.)

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