

Anand

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12392 OF 2017

Snehal Krishnat Patil .Petitioner

Vs.

The State of Maharashtra through the Principal
Secretary & ors .Respondents

ShubhaS.
Pathak

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Pathak

Date: 2021.03.01
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WITH

WRIT PETITION NO. 12404 OF 2017

Dipali Ravindra Jagtap .Petitioner

Vs.

The State of Maharashtra through the Principal
Secretary & ors .Respondents

WITH

WRIT PETITION NO. 12405 OF 2017

Sonal Vasantrao Deshmukh .Petitioner

Vs.

The State of Maharashtra through the Principal
Secretary & ors .Respondents

WITH

WRIT PETITION NO. 12407 OF 2017

Chetan Rangnath Raval .Petitioner

Vs.

The State of Maharashtra through the Principal
Secretary & ors .Respondents

Mr. S. S. Pakale i/b. Mr. S. M. Katkar, Advocate, for the Petitioners

Mrs. P. N. Diwan, AGP, for the Respondent Nos. 1 to 3 in W. P. No. 12392 of 2017

Mrs. S. S. Bhende, AGP, for the Respondent Nos. 1 to 3 in W. P. No. 12404 of 2017

Mr. N. K. Rajpurohit, AGP, for the Respondent Nos. 1 to 3 in W. P. No. 12405 of 2017

Mr. A. B. Kadam, AGP, for the Respondent Nos. 1 to 3 in W. P. No. 12407 of 2017

Mr. Sagar A. Mane, Advocate, for the Respondent No. 5 in all Petitions

Mr. Nikhil Chavan, Advocate, for the Respondent No. 8 in all Petitions

**CORAM : S. C. GUPTE &
SURENDRA P. TAVADE, JJ.**

DATE : 17 FEBRUARY 2021

P. C.

. This group of Petitions challenges orders of revocation of approvals passed by the Education officer. Approvals to the appointments of the Petitioners herein as “Assistant Teachers” were originally granted by the Education officer. The approvals have now been revoked by the Education officer on the ground inter alia that the approvals ought not to have been originally granted. Our Court, in several cases including the case of *Vanita Kalidas Babar Vs. The State of Maharashtra* decided by the Aurangabad Bench and *Vidya Shivaji Kumbhar Vs. The State of Maharashtra and others* alongwith other connected Petitions, has held that there was no power vested in the Education officer to review his own orders and that in case it was found that the original approval was wrongly issued, it would be

necessary for the Education officer to issue a Show Cause Notice and place the papers for appropriate orders before the Deputy Director of Education, who is the immediately next higher authority to the Education officer. Learned counsel for the Primary School Board, Municipal Corporation - Respondent No. 5, who has to mainly show cause in the Petitions, is unable to distinguish the facts of this case from the facts in the cases of ***Vanita Kalidas Babar Vs. The State of Maharashtra*** decided by the Aurangabad Bench and ***Vidya Shivaji Kumbhar Vs. The State of Maharashtra and others*** alongwith other connected Petitions.

2. Accordingly, we dispose of the Petitions by quashing and setting aside the impugned orders of revocation passed by the Education officer in each of these Petitions. We, however, make it clear that, it would be open to the Education officer in any particular case or cases to initiate proceedings against the respective Petitioners as also against the concerned Managements in accordance with law upon issuance of Show Cause Notice and place papers before the Deputy Director of Education for further orders. As a result of the quashing of the impugned orders, the approvals in case of each of the Petitioners are restored and their salaries including arrears shall be disbursed accordingly.

3. At the request of learned counsel for the Respondent No. 5, we make it clear that no coercive steps shall be taken against Respondent No. 5 in respect of salary and arrears for a period of six weeks from today.

(SURENDRA P. TAVADE, J.)

(S.C.GUPTA, J.)