

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9132 OF 2021

Smt. Surekha Mansing Rajpur @
Surekha Sandip Girase And Anr. .. Petitioners

v/s.

The State of Maharashtra & Ors. .. Respondents

WITH

WRIT PETITION NO.8931 OF 2021

Asawari Arvind Joshi And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

WITH

WRIT PETITION NO.8932 OF 2021

Ms. Rameshwari Vishwasrao Deshmukh
(Mrs. Rameshwari Yougeshrao Shinde) And Anr... Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

WITH

WRIT PETITION NO. 8933 OF 2021

Sanjay Vishwanth Gaikwad And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

WITH

WRIT PETITION NO. 8934 OF 2021

Ramdas Chindhu Thalkar And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8935 OF 2021**

Balu Laxman Wabale And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8936 OF 2021**

Ram Suresh Patel And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8937 OF 2021**

Vishal Manik Kalamkar And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8938 OF 2021**

Shamala Vijay Kshirsagar And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8939 OF 2021**

Sagar Pandurang Lonari And Anr. .. Petitioners

v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8940 OF 2021**

Smt. Pushpa Baban Repal
(Mrs. Pushpa Ganesh Kamble) .. Petitioner
v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8941 OF 2021**

Vijay Ramesh Paithane And Anr. .. Petitioners
v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8942 OF 2021**

Prashant Runjaba Nagare
(Pappu Runjaba Nagare) And Anr. .. Petitioners
v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8943 OF 2021**

Yogita Satish Vispute
(Ms. Yogita Mohandas Chandwadkar) And Anr... Petitioners
v/s.

The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8944 OF 2021**

Sandeep Kashinath Jejurkar And Anr. .. Petitioners
v/s.
The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

**WITH
WRIT PETITION NO.8945 OF 2021**

Prerna Shripad Joshi
(Ms. Mrudula Yashwant Javalekar) And Anr. .. Petitioners
v/s.
The State of Maharashtra Thr. Secretary
School Education Dept. And Ors. .. Respondents

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Mr. Narendra V. Bandiwadekar, i/b. Mrs. A.N. Bandiwadekar, for the
Petitioners.

Mr. V.M. Mali, AGP, for State in Writ Petition No.9132 of 2021 (Sr.
No.904).

Ms. P.N. Diwan, AGP, for State in Writ Petition No.8931 of 2021 &
group. (Sr. No.25).

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**CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ.**

DATE : 29 MARCH 2022

P.C:-

Heard.

2. Rule. Rule made returnable forthwith and heard finally by
consent of parties.

3. On going through the impugned order, we find that it does not contain any reason proper and, according to us, on this ground alone, it deserves to be quashed and set aside.

4. There is one more reason for which the impugned order could be found to be not sustainable in law. The impugned order is nothing but an order passed in exercise of review of the earlier approvals granted by the Education Officer. There is no statutory power of review conferred upon the Deputy Director of Education or the Education Officer, although, the approvals granted earlier can be reconsidered, if the case of fraud or misrepresentation or suppression of material fact is made out by the Education Department. This is the consistent view taken by this Court in several of its judgments, including the one rendered in the case of **Pandurang Narayan Kanekar vs. State of Maharashtra**¹. In the present case, however, there is no allegation of fraud or misrepresentation of facts or suppression of facts on the part of the Petitioners. We are, therefore, of the view that the impugned order is illegal for this additional reason.

5. In the result, the petitions are allowed in terms of prayer clause (b). The impugned order is hereby quashed and set aside.

¹ Writ Petition No.219 of 2022 decided on 4 March 2022.

6. Rule is made absolute in the above terms. No costs.
7. Parties to act upon the authenticated copy of the order.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)