

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 5060 OF 2023

Capuchin Friars Minor (Bom) Society
Thr. President And Ors ...Petitioners

Versus

The State Of Maharashtra Thr. Sec.
School Education Dept. And Ors ...Respondents

WITH

WRIT PETITION NO. 5005 OF 2023

SNEHA
NITIN
CHAVAN

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Capuchin Friars Minor (Bom) Society
Thr. Trustee And Ors ...Petitioners

Versus

The State Of Maharashtra Thr. Sec.
School Education Dept. And Ors ...Respondents

Mr. Prashant Bhavake for the Petitioners.
Mr. V.M. Mali, AGP for the Respondents/State.

**CORAM : NITIN JAMDAR AND
M.M.SATHAYE, JJ.**

DATE : 11 JANUARY 2024

P.C.:

. Heard learned counsel for the parties. The table showing necessary details for passing common order, is as below.

This order is corrected as per speaking to minutes of order dated 18 January 2024

Writ Petition No.	Name of the Petitioner	Working as	Impugned Order dated	Passed by Respondent Authority
5060/2023	Capuchin Friars Minor (Bom) Society & Ors	Laboratory Assistant	06.10.2022	Resp. No. 2 Dy. Director of Education, Mumbai Region, Mumbai
5005/2023	Capuchin Friars Minor (Bom) Society & Ors	Junior Clerk	06.10.2022	Resp. No. 2 Dy. Director of Education, Mumbai Region, Mumbai

2. Petitioner No. 1 Managements, Petitioner No. 2 High-Schools and Petitioner No. 3 Employees (Jolly Jamsi Patil in WP/5060/2023 and Smita Prakash Alfanso in WP/5005/2023) are jointly challenging aforesaid impugned Orders passed by respective Respondent Authority, under which individual approvals granted by Education Inspector, North Division, Mumbai to Petitioner Nos. 3 – Employees, were canceled.

3. It is submitted that, had an opportunity been given, the Petitioners would have given appropriate and necessary explanation about reason of cancellation.

4. This method adopted by Respondent Authority of directly canceling the approvals, without informing proposed grounds of cancellation, is giving rise to unnecessary litigation which takes precious judicial time of this Court because an inquiry about the grounds are required to be done first time in this Court.

5. In that view of the matter, we dispose of these petitions by directing that the aforesaid impugned orders will be treated as notices to the the Petitioner Educational Institute of the proposed ground/s of cancellation. The Petitioners' proposals stand restored. If there are any other grounds on which the Respondent Authority intends to cancel the approvals, it is directed to communicate the same to the Petitioner Educational Institute, within a period of 3 weeks from today.

6. The Educational Institute shall thereafter submit its explanation to the proposed grounds of cancellation, along with supporting material and case laws / orders of this Court, if relied upon. The Respondent No. 2 Authority is directed to decide the proposals thereafter within a period of 8 weeks, by dealing with the explanation/s given by the Educational Institute as also dealing with case law/orders of this Court, by passing a reasoned order, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposals and the same shall be decided on its own merits in

accordance with law. Needless to mention that if the concerned Respondent Authority proceeds to grant proposal for Shalarth IDs, the aforesaid procedure/directions will not apply. The contention of the Petitioners that once approval is granted, Shalarth ID cannot be rejected, is kept open.

8. The writ petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)