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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 456 OF 2024

Rajendra Gatlu Badhe & Anr.

..... Petitioners

VERSUS

State of Maharashtra & Ors.

..... Respondents

Mr. Vaibhav D. Kadam a/w. Mr.Shreenath Badade, Mr.Kalpesh Karkera for the Petitioners.

Mrs. Reena A. Salunkhe, A.G.P. for the State – Respondent Nos. 1 to 4.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 7th AUGUST, 2024

P.C. :-

Heard.

2. The challenge raised in this writ petition is to the show cause notices dated 3rd June 2022, 9th March 2023 and 20th September 2023 issued by the Education Officer (Primary) Zilla Parishad, Thane. Perusal of the show cause notice dated 20th September, 2023 indicates that it has been issued pursuant to the directions issued in *Public Interest Litigation No. 18 of 2012*

(Brijmohan Dhirajprasad Mishra vs. The State of Maharashtra & Ors.) at the Aurangabad Bench vide order dated 25th September, 2018. The petitioners replied to the aforesaid show cause notice on 27th September, 2023. It is submitted that even the earlier show cause notices have been replied.

3. One of the contention urged by the learned counsel for the petitioners is that in paragraph (14) of the order passed in *Brijmohan Dhirajprasad Mishra* (supra), it has been observed that action against the erring institutions should not be taken as a matter of policy but after considering the facts of each case. It is the contention of the petitioners that ignoring this aspect, the show cause notices have been issued. These show cause notices are not yet adjudicated.

4. In the aforesaid facts, the following order would serve ends of justice :-

- (a) The Education Officer (Primary) shall hear the petitioners on the show cause notices issued

by taking into consideration their reply. He shall also take into consideration the judgment in case of *Brijmohan Dhirajprasad Mishra* (supra) and specially paragraph (14) thereof.

(b) The decision on the show cause notices be taken within a period of eight weeks on receiving copy of this order.

(c) The decision taken be communicated to the petitioners. In case any adverse order is passed, the same shall not be acted upon for a period of two weeks from service of such order.

(d) Keeping all points on merits open, the writ petition is disposed of.

5. The parties to act on the authenticated copy of this order.

6. The petitioners to serve a copy of this order on the Education Officer (Primary).

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]