

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

WRIT PETITION NO. 1333 OF 2024

Pradnya Prasad Joshi ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**AND
WRIT PETITION NO. 1340 OF 2024**

Dileep Laxman Sonkamble ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**AND
WRIT PETITION NO. 1335 OF 2024**

Shubhada Vaibhav Phadnis ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**AND
WRIT PETITION NO. 1339 OF 2024**

Rupali Dnyaneshwar Shinde ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**AND
WRIT PETITION NO. 1338 OF 2024**

Pradnya Suresh Deshmukh ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

**AND
WRIT PETITION NO. 1337 OF 2024**

Yogita Shantanu Kulkarni ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

AND
WRIT PETITION NO. 1336 OF 2024

Amit Balasaheb Jawalkar ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

AND
WRIT PETITION NO.1341 OF 2024

Swapnil Devanand Sonawane ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

AND
WRIT PETITION NO. 1334 OF 2024

Smita Shubhash Dodhad ... Petitioner
versus
The State of Maharashtra and Others ... Respondents

AND
WRIT PETITION NO. 1691 OF 2024

Sudhirkumar Vitthal Gaikwad ... Petitioner
versus
Divisional Chairman,
Maharashtra State Board of Secondary
and Higher Secondary Education, Pune and Others ... Respondents

AND
WRIT PETITION NO. 9496 OF 2024

The Maharashtra Education Society and Another ... Petitioners
versus
Dy. Director of Education and Others ... Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO. 1439 OF 2024**

Tejaswini Mayuresh Gaidhani	...	Petitioner
versus		
The Secretary/ Chairman, Maharashtra Education Society and Others	...	Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO. 1440 OF 2024**

Vasudha Kailas Waykole	...	Petitioner
versus		
The Secretary/ Chairman, Maharashtra Education Society and Others	...	Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO. 1441 OF 2024**

Aparna Vikas Bhor	...	Petitioner
versus		
The Secretary/ Chairman, Maharashtra Education Society and Others	...	Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO.1442 OF 2024**

Romila Tushar Gaikwad	...	Petitioner
versus		
The Secretary / Chairman, Maharashtra Education Society and Others	...	Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO. 1443 OF 2024**

Vaishnavi Ratnakar Borawake ... Petitioner
versus
The Secretary/ Chairman,
Maharashtra Education Society and Others ... Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO. 1444 OF 2024**

Chaitali Girish Garge ... Petitioner
versus
The Secretary/ Chairman,
Maharashtra Education Society and Others ... Respondents

**AND
(NOT ON BOARD)
WRIT PETITION NO. 1445 OF 2024**

Akshata Suhas Chavan ... Petitioner
versus
The Secretary/ Chairman,
Maharashtra Education Society and Others ... Respondents

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Mr.Suresh Pakale, Senior Advocate with Mr.Nilesh Desai and Ms.Neha Tembe i/b. Ms.Padmaja Malgaonkar for the Petitioners in WP Nos.1333 of 2024, 1340 of 2024, 1335 of 2024, 1339 of 2024, 1336 of 2024, 1338 of 2024, 1337 of 2024, 1341 of 2024 and 1334 of 2024.

Mr.Aniruddha Arun Garge i/b. Mr.Kashyap Bhalerao for the Petitioners in WP Nos. 1439 of 2024, 1440 of 2024, 1441 of 2024, 1442 of 2024, 1443 of 2024,1444 of 2024 and 1445 of 2024.

Mr.Neel Helekar for the Petitioners in WP No. 9496 of 2024.

Mr.Irvin D'souza for the Petitioner in WP No. 1691 of 2024.

Ms.Reena Salunke, AGP for Respondent Nos. 1 to 3-State in WP Nos. 1333 of 2024, 1334 of 2024, 1336 of 2024 and 9496 of 2024.

Mr.V.M.Mali, AGP for Respondent Nos. 1 to3 -State in WP No. 1340 of 2024 and for Respondent Nos. 1 to 6-State in WP No. 1442 of 2024.

Mr.S.B.Kalel, AGP for Respondent Nos. 1 to 3-State in WP Nos. 1335 of 2024 and 1336 of 2024 and for Respondent Nos. 1 to 6- State in WP No. 1443 of 2024.

Mr.K.S.Thorat, AGP for Respondent Nos. 1 to 3 -State in WP No. 1339 of 2024 and for Respondent Nos. 1 to 6 in WP No.1445 of 2024.

Ms.A.A.Purav, AGP for Respondent Nos. 1 to 3 -State in WP Nos. 1338 of 2024 and 1691 of 2024 and for Respondent Nos. 1 to 6 in WP Nos. 1439 of 2024, 1444 of 2024 and 1440 of 2024.

Mr.S.H.Kankal, AGP for Respondent Nos. 1 to3 -State in WP No. 1337 of 2024.

Ms.Pooja Joshi, AGP for Respondent Nos. 1 to3 -State in WP No. 1341 of 2024.

Ms.Nisha Mehra, AGP for Respondent Nos. 1 to 6 in WP No. 1441 of 2024.

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**CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.**

DATE : 21ST OCTOBER, 2024

P.C.:

1. Writ Petition Nos. 1439 of 2024, 1440 of 2024, 1441 of 2024, 1442 of 2024, 1443 of 2024, 1444 of 2024 and 1445 of 2024 are not on board. Taken on board upon mentioning, by the consent of the parties.

2. We have extensively heard the learned Advocates for the respective sides. However, upon consideration of their submissions and on perusal of the Petitions paper book with their assistance, we find that the impugned orders have been passed without even granting an opportunity of hearing to the Petitioners.

3. In the cases of *Erusian Equipment and Chemicals Ltd. And Others V/s. State of West Bengal, (1975) 1 SCC 70* and *State Bank of India and others V/s. Rajesh Agarwal and Others, (2023) 6 SCC 1*, the Hon'ble Supreme Court has concluded that when an order is passed prejudicial to the interest of an individual and if the effect of the said order is such that it has the trappings of an order of punishment or clearly evidences that an opportunity of hearing has to be granted to the Petitioner before a consequential order on appreciation of material, could be passed, the Principles of Natural Justice have to be adhered to.

4. The learned AGPs representing the Education Officer (Secondary) submit on the basis of the record that there is no document, either referred to in the impugned orders or which can be cited by the department to indicate that the Petitioners were issued with show cause

notices for granting an opportunity of hearing, before the impugned orders were passed.

5. It appears from the record that it was an officer from the office of the Deputy Director, Education, who called upon the Personal Secretary of Respondent No.4, the Divisional Chairman, Maharashtra State Board of Secondary and Higher Secondary Education, Respondent No.4 herein, to ensure that notices for hearing would be served on the Secretary of the Education Society, the Principal and the concerned Teachers so as to ensure that they participate in the hearing. Surprisingly, the same Divisional Chairman Smt. Manjusha Miskar has filed an affidavit-in-reply dated 16th July, 2024, and has stated in paragraph 4, that all the concerned parties were called for the hearing and ample opportunity was granted to present their case. She has further averred that the teaching staff remained absent. In the next paragraph 5, she submits that notices came to be issued only to Respondent Nos.7 and 8 to represent the Education Trust and the College. Apparently, notices were not issued to any of the affected Teachers.

6. In view of the above, on a limited ground, **these Writ Petitions are partly allowed**. The impugned orders are quashed and set

aside. The matters are remitted to the office of the Deputy Director of Education Kolhapur, Division Kolhapur, to issue show cause notices to the Petitioners and after granting a reasonable opportunity of hearing to them, a reasoned order would be passed. If the order is adverse to the interest of the Petitioners, they would be at liberty to challenge the same by availing of a remedy as is permissible in law. All contentions in the light of the same are kept upon

7. The Deputy Director of Education shall complete the hearing and pass a reasoned order, within a period of 90 days from today. All contentions of the parties are kept open in the hearing which is directed to be conducted afresh by issuance of proper notices.

8. Needless to state, since the impugned orders are set aside, the salaries of these Petitioners, which was stopped on account of the impugned orders, would be payable to them with arrears and the same be released within 45 days.

(M.M. SATHAYE, J.)

(RAVINDRA V. GHUGE, J.)