



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO 11470 of 2025

Prakashchand Jain Bahuuddeshiya Sanstha's

Palaskheda Bk., Tq. Jamner, Dist. Jalgaon

Through its Secretary

Manojkumar S/o. Prakashchand Jain

Age : 52 years, Occ. : Business,

R/o. Mayur Complex, Jamner,

Tq. Jamber, Dist. Jalgaon

-----PETITIONER

VERSUS

1. The State of Maharashtra

Through the Secretary,

Tribal Development Department,

Mantralaya, Mumbai -32.

2. The Commissioner,

Tribal Development Department,

Nashik.

3. The Additional Commissioner,

Tribal Development Department,

Nashik.

4. The Project Officer,

Integrated Tribal Development Project,

Yawal, Tq. Yawal, Dist. Jalgaon

-----RESPONDENTS

Mr. T. M. Venjane, Advocate for petitioner

Mr. A. B. Girase, GP for respondent-State

**CORAM : Smt. Vibha Kankanwadi &
Hiten S. Venegavkar, JJ.**

DATE : 09th October, 2025

JUDGMENT (PER : Hiten S. Venegavkar, J) :-

1. Jain International English Medium School, Palaskheda, Tq. Jamner, Dist. Jalgaon, administered by its Managing Educational Trust, which is registered under the Maharashtra Public Trusts Act, 1950 as well as under the Societies Registration Act, 1860 is the petitioner before us. Tribal Development Department of the State of Maharashtra together with the concerned field authorities are arrayed as the party respondents in the present petition. The petitioner invokes writ jurisdiction of this Court under Article 226 of the Constitution of India to lay a challenge to the order passed by respondent No. 1 by which the recognition/ approval earlier granted to the petitioner school under the welfare scheme for educating Scheduled Tribe students in tribal areas in reputed English Medium Institutions has been withdrawn and by which the enrolled tribal students of the petitioners have been directed to be transferred or absorbed in other English medium schools. The impugned order dated 04.09.2025 is passed by respondent No. 1. The factual backdrop is not in serious dispute. The petitioner has established an English medium school at Palaskheda on a self financed basis since the year 2010 after obtaining the requisite permissions from the competent authorities for construction and building infrastructure. Almost about 1,000 students are presently

studying in the said school. Under the Tribal Welfare Scheme, which the State has launched through a Government Resolution dated 28.08.2009, to bring the Schedule Tribe students in the mainstream of the society and also by reimbursing their educational and residential expenses. The institutions who were found to be compliant upon inspection and gradings were provided with permission to admit tribal students in their institutions. The petitioner accordingly obtained recognition and in particular was granted permission by approval dated 12.10.2017 to admit 50 tribal students on stated terms and conditions in their school. The petitioner asserts that approvals continue to be renewed from time to time upto 26.06.2024 and that the school has maintained hostel facilities, laboratories, offices, sanitation and other amenities with qualified teaching and non-teaching staff. On 02.07.2025, respondent No. 4, who is the Project Officer, issued a show-cause notice enumerating eight alleged deficiencies in the petitioner's school. The petitioner's Principal responded to the said notice in the month of July, 2025 with a detailed explanation and asserted that washrooms and hostel areas were being cleaned, that uniforms, physical training dress, shoes, hostel equipments and writing material were being regularly supplied, that attendance lapses were followed up by teachers and staff and that 288 Scheduled Tribe students were actually taking education in the institution of the petitioners. The petitioner states that there was no further query or inspection report shared thereafter by the respondents.

Notwithstanding the subsisting explanation and without any further notice from respondent No. 1, an order came to be issued on 04.09.2025, withdrawing recognition and directing transfer of the Scheduled Tribe students to other English-medium schools.

2. Having heard learned counsels for the parties and having scrutinized the impugned order along with the material placed on record, we find that the action under challenge visits the petitioner and more importantly its enrolled Scheduled Tribe students with grave civil consequences by extinguishing the recognition midstream and by dislocating students to unfamiliar institutions in the midst of an academic cycle. It is a settled constitutional premise that even when the enabling statute or executive policy is silent, administrative action that entails civil consequences must conform to the minimum content of fair procedure. The decision of the Constitution Bench in **Maneka Gandhi vs. Union of India, AIR 1978 SC 597**, Supreme Court has held that state action which affects valuable interests must pass muster under Article 14 and 21 of the Constitution of India and that the procedure it employs must be just, fair and reasonable rather than arbitrary, fanciful or oppressive, a proposition that has long become the lodestar for reviewing administrative decisions that curtail rights or legitimate interests. The Supreme Court in one another case in **State of Orissa vs. Dr. Binapani Dei, AIR 1967 SC 1269** had already spoken in clear terms that even an administrative order which involves civil consequences cannot be made

without giving the person affected an opportunity to meet the case and that in such situations the duty to hear before decision is not a mere ritual but a requirement of law.

3. Tested on these controlling principles, the impugned order cannot be sustained. It is admitted before us that no show-cause notice was issued by Respondent No.1 and that the petitioner was not put to notice of any material or complaints that were being relied upon at the decisional stage. The order itself contains only a bald reference to certain complaints said to be received from parents and students, but it does not disclose the particulars of those complaints, it does not annex or refer to any underlying material, and it records no reasons that would reveal a process of evaluation from allegations to findings. Such opacity offends two further strands of settled law. Firstly, the Supreme Court have held that for a show-cause notice to afford an effective opportunity, it must clearly state the precise grounds and must also indicate the proposed penal action so that the notice can furnish a meaningful response with an awareness of the consequences that may ensue. A cryptic reference to the unspecified complaints falls short of these standards. Secondly, the proceedings cannot be a mere pretense of fairness when the person proceeded against is kept in dark about the exact case to meet or when a predetermined mind is at work, and it stressed that fairness at the notice stage is indispensable.

4. The impugned order also fails because it is unreasoned. The duty to record reasons is no longer a matter of formality. It is a substantive guarantee against arbitrariness because reasons demonstrate application of mind, enable judicial review, and reassure the person affected that relevant considerations alone have prevailed. The Hon'ble Supreme Court in the case of **Kranti Associates Pvt. Ltd. vs. Masood Ahmed Khan (2010) 9 SCC 496** held as under :

47. Summarising the above discussion, this Court holds:

(a) In India the judicial trend has always been to record reasons, even in administrative decisions, if such decisions affect anyone prejudicially.

(b) A quasi-judicial authority must record reasons in support of its conclusions.

(c) Insistence on recording of reasons is meant to serve the wider principle of justice that justice must not only be done it must also appear to be done as well.

(d) Recording of reasons also operates as a valid restraint on any possible arbitrary exercise of judicial and quasi-judicial or even administrative power.

(e) Reasons reassure that discretion has been exercised by the decision-maker on relevant grounds and by disregarding extraneous considerations.

(f) Reasons have virtually become as indispensable a component of a decision-making process as observing principles of natural justice by judicial, quasi-judicial and even by administrative bodies

(e) Reasons facilitate the process of judicial review by superior courts.

(h) The ongoing judicial trend in all countries committed to rule of law and constitutional governance is in favour of reasoned decisions based on relevant facts. This is virtually the lifeblood of judicial decision-making justifying the principle that reason is the soul of justice.

(i) Judicial or even quasi-judicial opinions these days can be as different as the judges and authorities who deliver them. All these decisions serve one common purpose which is to demonstrate by reason that the relevant factors have been objectively considered. This is important for sustaining the litigants' faith in the justice delivery system.

(j) Insistence on reason is a requirement for both judicial accountability and transparency.

(k) If a judge or a quasi-judicial authority is not candid enough about his/her decision-making process then it is impossible to know whether the person deciding is faithful to the doctrine of precedent or to principles of incrementalism.

(l) Reasons in support of decisions must be cogent, clear and succinct. A pretence of reasons or "rubber-stamp reasons" is not to be equated with a valid decision-making process.

(m) It cannot be doubted that transparency is the sine qua non of restraint on abuse of judicial powers. Transparency in decision-making not only makes the judges and decision-makers less prone to errors but also makes them subject to broader scrutiny. (See David Shapiro in Defence of Judicial Candor.)

(n) Since the requirement to record reasons emanates from the broad doctrine of fairness in decision-making, the said requirement is now virtually a component of human rights and was considered part of Strasbourg Jurisprudence. See Ruiz Torija v. Spain EHRR, at 562 para 29 and Anya v. University of Oxford, wherein the Court referred to Article 6 of the European Convention of Human Rights which requires,

"adequate and intelligent reasons must be given for judicial decisions".

(0) In all common law jurisdictions judgments play a vital role in setting up precedents for the future. Therefore, for development of law, requirement of giving reasons for the decision is of the essence and is virtually a part of "due process".

Thus, the legal position in an authoritative summary and insisted that even administrative decisions that prejudice a person must be supported by reasons. An order that withdraws recognition and approved students yet offers neither particulars of the complaints nor findings or analysis stands in the teeth of that exposition. The State cannot mend this defect by way of an affidavit in these proceedings. Because as the Hon'ble Supreme Court explained in **Mohinder Singh Gill vs. Chief Election Commissioner 1978 SCR (3) 272** held as under :

8. The second equally relevant matter is that when a statutory functionary makes an order based on certain grounds, its validity must be judged by the reasons so mentioned and cannot be supplemented by fresh reasons in the shape of affidavit or otherwise. Otherwise, an order bad in the beginning may, by the time it comes to Court on account of a challenge, get validated by additional grounds later brought out. We may here draw attention to the observations of Bose, J . in Gordhandas Bhanji:

Public orders, publicly made, in exercise of a statutory authority cannot be construed in the light of explanations subsequently given by the officer making the order of what he meant, or of what was in his mind, or what he intended to do. Public orders made by public authorities are meant to have public effect and are intended to affect the actings and conduct of those to

whom they are addressed and must be construed objectively with reference to the language used in the order itself.

Orders are not like old wine becoming better as they grow older.

Thus, an order must stand or fall on the reasons that are recorded in it and supplemental reasons brought forth during arguments of the state lawyer cannot be pressed into service to validate a decision that was in truth unsupported at the time it was made.

5. We have also considered the submission of the learned GP that the matter be remanded to the department to issue a notice and to conduct a fresh hearing. In the circumstances of this case, where a drastic order has already been made without adherence to the foundational requirements of fair procedure, a remand which merely offers a post decisional opportunity would amount to hollow hearing upon what is already a fate accompli. The record here shows that the show-cause notice was issued by Respondent No. 4 and that the petitioner's compliance was submitted to the same authority, whereas the final order has been passed by respondent No. 1 without putting the petitioner to notice at that level and without disclosing the material which has been relied upon by respondent No.1 while taking the said decision. Where the deciding authority is different from the noticing authority, the imperative of fairness requires that the former appraises the affected party of the precise case, receives the response and then

renders a reasoned determination. That did not occur in the present case. The result is that the order is vitiated at its root.

6. We are mindful that the State frames and administers these schemes to serve the constitutional objective of uplifting Schedule Tribe communities through quality education and mainstreaming and we do not for a moment question either the necessity or the legitimacy of exacting standards from institutions that seek to participate in the said scheme. What the Constitution insists upon is that the enforcement of those standards must be carried out by means that are fair, transparent and reasoned. Proportionality and educational continuity for children, particularly for those drawn from vulnerable groups, must inform the manner in which interim measures are conceived and applied. The petitioner says that 288 Scheduled Tribe students are now studying in the institution and abrupt displacement in the middle of the academic cycle would inflict avoidable disruption upon them. In the face of procedural lapses of the kind we have identified, it would be contrary to both fairness and welfare to allow the impugned order to operate while the department begins a new.

7. For these reasons, we hold that the impugned order dated 04.09.2025, withdrawing recognition/approval of the petitioner school and directing transfer or absorption of its Schedule Tribe students is unconstitutional and illegal for violation of the principles of natural

justice, for want of reasons and for non-application of mind, and it is accordingly quashed and set aside. In light of the above, we further direct that the respondents shall not shift or transfer any of the Scheduled Tribe students presently studying in the petitioner's school to any other school on the strength of the impugned order and that the academic continuity of these students shall be maintained. This protection is intended to secure the interests of the students and shall not be understood as a bar upon the department to keep check on the standards and the infrastructural, educational quality of the petitioner's school from time to time

8. In order to place beyond doubt the privacy of student welfare and to ensure institutional accountability, we direct the petitioner to file within two weeks from today an undertaking signed by the management affirming that the quality of education, the quality of food, the conditions of sanitation, the maintenance of hostel living spaces and the provision of basic amenities shall be maintained to standards fit for human habitation and to the requirements stipulated under the applicable regulatory regime and further affirming that any deficiencies communicated by the department upon due notice will be promptly rectified within timelines to be specified by the department. Any established breach of this undertaking may be brought to the notice of this court by the respondents for appropriate action in the present proceedings including, if warranted, initiation of proceedings for violation

of the orders of this court under the contempt of Courts Act.

9. With the aforesaid directions, the writ petition stands allowed and disposed of.

10. There shall be no orders as to cost.

(Hiten S. Venegavkar, J.)

(Smt. Vibha Kankanwadi, J.)

B. S. Joshi