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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11384 OF 2025

1. Sulochana Belekar Samajik Va
Bahuuddeshiya Shikshan Sanstha
At Bhanashivra, Tq. Newasa,
District Ahilyanagar
Through its President
Suresh Patilba Belekar,
Age: 54 years, Occu.: Business,
R/o. At Bhanashivra, Tq. Newasa,
District Ahilyanagar.

2. Dnyaneshwar International School
At Bhanashivra, Tq. Newasa,
District Ahilyanagar
Through its Principal
Subhodh Nana Hiwrale
Age: 40 years, Occu.: Service,
R/o. Bhanashivra, Tq. Newasa,
District Ahilyanagar.

... Petitioners

VERSUS

1. The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.
2. The Under Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
3. The Commissioner,
Tribal Development Department,
Maharashtra State, Nashik
4. The Assistant Tribal Commissioner,
Nashik Division, Nashik.

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5. The Project Officer,
Integrated Tribal Development Scheme,
at Rajur, Tq. Akole, District Ahilyanagar

... Respondents

AND

WRIT PETITION NO.11677 OF 2025

1. Vishwatmak Jangli Maharaj
Ashram Trust, Kokamathan,
Tq. Kopargaon, Dist. Ahilyanagar
Through its President
Nandakumar Pandurang Suyawanshi

2. Atma Malik International School
Kokamthan, Tq. Kopargaon,
Dist. Ahilyanagar
Through its Principal
Namdev Dnyaneshwar Dange

... Petitioners

VERSUS

1. The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya, Mumbai.

2. The Under Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

3. The Commissioner,
Tribal Development Department,
Maharashtra State, Nashik

4. The Assistant Tribal Commissioner,
Nashik Division, Nashik.

5. The Project Officer,
Integrated Tribal Development Scheme,
at Rajur, Tq. Akole, District Ahilyanagar

... Respondents

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.....
Mr. V.D. Hon, Senior Advocate i/b Mr. A.V. Hon, Advocate for Petitioners
in both Wps

Mr. A.B. Girase, Government Pleader for Respondents - State

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**CORAM : SMT. VIBHA KANKANWADI AND
HITEN S. VENEGAVKAR, JJ.**

DATED : 09 OCTOBER, 2025

JUDGMENT [Per Hiten S. Venegavkar, J.] :-

1. **Rule.** Rule is made returnable forthwith. With the consent of both the parties, the petitions are taken up for final hearing at the admission stage.

2. These two writ petitions, having been founded upon identical facts and raising common questions of law, are heard together and are being disposed of by this common judgment.

3. Both petitions challenge the legality, validity and propriety of the order dated 4th September 2025 passed by the Under-Secretary, Tribal Development Department, Government of Maharashtra, whereby the recognition and affiliation granted to the petitioners schools for admitting tribal students under the Government Resolution dated 28th August 2009 came to be withdrawn, and directions were issued to transfer and absorb the tribal students from the petitioners institutions into other schools.

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4. The petitioners before this Court consist of two entities in each petition. Petitioner No. 1 is a duly registered trust under the provisions of Maharashtra Public Trust Act 1950 and the Society's Registration Act. Petitioner No. 2 is a school affiliated to the Central Board of Secondary Education and run and managed by Petitioner No.

1. The Government of Maharashtra, with an object of uplifting Scheduled Tribe students and bringing them into the mainstream of formal education, issued a Government Resolution dated 28th August 2009 introducing a welfare scheme enabling recognized CBSE schools to admit additional students from the tribal category, whose educational expenses were to be borne by the State Government. The underlying policy was to promote inclusive education and provide tribal students access to English-medium quality schooling, thus bridging the socio-educational gap.

5. The Government Resolution dated 28th August 2009, while laying down detailed guidelines, nowhere contemplates or authorizes withdrawal of recognition or affiliation of an entire institution on account of temporary or fluctuating performance of the students. On the contrary, Clause 6 of the said resolution specifically provides that in the event individual students from the tribal category fail to perform satisfactorily, their names could be deleted from the list of beneficiaries.

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It does not empower the authorities to impose a punitive consequence upon the institution itself. Subsequently, the government, continuing its policy, issued another resolution dated 18th May 2018 prescribing norms for grant of additional batches to CBSE schools whose results were found satisfactorily.

6. The record reveals that the petitioners school has been participating in the scheme since the academic year 2017-2018 and from the inception have demonstrated exemplary results. The first batch of tribal students passed in 2018-2019 with 100% result and the same trend continued year after year until 2023-2024. It is only in the academic year 2024-2025 that the performance of the tribal students dipped, resulting in 8.95% and 28% pass percentage, respectively, in the two petitioner schools. On 7th July 2025, the Commissioner for Tribal Development exercising supervisory jurisdiction, issued notices calling upon the petitioner school to explain the reasons for the poor performance. The petitioners promptly submitted their detailed replies, explaining that all necessary infrastructure, qualified teaching staff and academic facilities were in place and that additional remedial coaching and extra classes were being organized to ensure improved performance in the subsequent year. A personal hearing was also conducted by the Commissioner on 10th July 2025, at which the petitioners participated

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and recreated their written explanation. The record further discloses that after the conclusion of the said hearing, the Commissioner prepared his submissions and forwarded the file to the Office of the Under-Secretary, i.e., Respondent No. 2. Thereafter, without issuing any fresh notice or affording any further opportunity of hearing, Respondent No. 2 passed the impugned order dated 4th September 2025, unilaterally withdrawing the affiliation granted to the petitioner school for admitting tribal students and directing that all such students from Standards 1 to 10 be transferred and absorbed into other schools. This action has precipitated serious consequences not only upon the institutions and their staff, who had invested substantial amounts in developing the infrastructure, but also upon 180 tribal students whose education stands disrupted midstream.

7. The learned Senior Advocate appearing for the petitioners contended that the impugned order is patently illegal, arbitrary and unsustainable in law. He submitted that the Government Resolution dated 28th August 2009 does not confer any authority upon the Respondents to withdraw recognition or affiliation of the schools and that the impugned order is therefore ultra-virus, the policy itself. It was further submitted that respondent No. 2 has passed the order without notice, hearing or reasoned consideration, thereby violating the

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principles of natural justice and fair play. The learned Senior Advocate emphasized that the petitioner school has an unblemished record of performance for several years and that a solitary instance of low results cannot justify such a drastic and disproportionate action. It was urged that the impugned order is punitive in nature, devoid of application of mind and passed in gross abuse of administrative discretion.

8. On the other hand, the learned Government Pleader sought to support the impugned order, contending that the scheme was introduced to ensure quality education for tribal students, and hence where the results were unsatisfactory, the Government was justified in withdrawing the privilege extended to such schools. However, the learned Government Pleader candidly considered that respondent No. 2 did not issue any notice to the petitioners nor conduct a hearing prior to passing the impugned order and suggested that the matter be remanded for reconsideration after following due process.

9. Having carefully considered the rival submissions and upon perusal of the record, this Court finds that the impugned order suffers from fundamental infirmities both on procedural and substantive grounds. The first and most glaring defect is the violation of the principles of natural justice. It is not disputed that while respondent No. 3 conducted the initial hearing and obtained explanations from the

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petitioners, the impugned order was passed by respondent No.2, a different authority, who neither issued a notice nor afforded an opportunity of personal hearing to the petitioners before taking an adverse decision. This procedural lapse goes to the root of the matter. It is well settled that the rule of *audi alteram partem* is not a mere empty formality but a basic facet of fairness in administrative action. The Hon'ble Supreme Court in ***A.K. Kraipak v. Union of India***, (1969) 2 SCC 262, underscored that even administrative decisions having civil consequences must conform to the natural justice, as arbitrary exercise of power undermines public confidence in governance. Similarly, in ***Automotive Tyre Manufacturers Association v. Designated Authority***, (2011) 2 SCC 258, as relied by the petitioner rightly, has held that when a decision affects rights or legitimate expectations, failure to consider the explanation of the affected party renders the order void. Applying these principles, the impugned order having been passed without hearing by the authority, have decided the matter stands vitiated as null and void.

10. Equally untenable is the exercise of powers by respondent No. 2 in excess of jurisdiction. The Government Resolution dated 28th August 2009, which constitutes the foundation of the entire scheme, envisages only one consequence for unsatisfactory performance, namely, the

removal of individual students from the scheme. There is no provision authorizing the withdrawal of the entire school's affiliation. Administrative action must find its source in law. An authority cannot arrogate to itself powers not conferred upon it. In ***State of U.P. v. Maharaja Dharmander Prasad Singh***, (1989) 2 SCC 505, the Hon'ble Supreme Court emphasized that every power vested in a public authority is coupled with a duty to act fairly, reasonably and on relevant considerations. The impugned order which travels beyond the scheme, is therefore ultra-virus, arbitrary and devoid of legal sanctity. Before proceeding further, we would like to clarify ourselves that we should not be misunderstood to say or suggest that after the approvals or affiliations are granted to the schools, the respondents cannot keep any check or supervision upon the performance of the school. However, withdrawing the affiliation or recognition of such schools under the scheme floated by the Government Resolution dated 28th August 2009 cannot be exercised midstream. The authorities will be very well empowered to consider the performance of the school including the infrastructure availability of the school for such tribal students at the time of granting fresh approval or recognition under the said scheme. However, if the schools are to be verified and adjudicated in the midstream, the government will have to come up with some source of powers for its officers so that an effective supervision and check can be

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kept on such schools so that the welfare of the tribal students are not compromised.

11. The impugned order also suffers from gross non-application of mind. The record placed before this court demonstrates that the petitioner schools had consistently produced 100% results for several consecutive years. The respondents, in adopting a punitive approach based solely on a single year's aberration, have completely ignored the institution's past record, the remedial measures already undertaken, and the explanations offered in writing. The order is bereft of reasons, devoid of factual analysis, and fails to reflect any consideration of relevant materials. It merely records the unsatisfactory result of the year 2024-2025 and proceeds to impose the extreme penalty of withdrawal of recognition. Such an order, which carries serious civil consequences for both institutions and students, cannot be sustained in the absence of cogent reasoning and proportional justification.

12. It must be remembered that administrative authorities exercising statutory or policy-based powers must act with circumspection and responsibility. The power conferred upon the state to regulate education is meant to ensure academic excellence and not to punish institutions arbitrarily. The respondents, instead of cooperating with the schools to improve performance and uphold the spirit of the scheme, have resorted

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to a measure that defeats the very object of the policy. The welfare of tribal students. The action not only jeopardizes the education of hundreds of tribal students but also undermines the credibility of the state's own welfare programme. The authorities have acted as though they were enforcing a penal statute rather than administering a social welfare scheme. This approach is inconsistent with the constitutional obligation to act reasonably under Article 14 of the Constitution of India.

13. The Hon'ble Supreme Court in *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248, held that arbitrariness is arithmetical to equality and that every administrative order which affects the rights of individuals must be informed by fairness, reason and rationality. The impugned order fails this test on all counts. It neither records any satisfaction that the petitioners were unwilling or incapable of improving performance nor gives any reason why lesser corrective measures would not suffice. Instead, it proceeds mechanically to impose the most drastic penalty. This conduct reveals a clear non-application of mind and an arbitrary exercise of discretion.

14. For the foregoing reasons, we hold that the impugned order dated 4th September 2025 passed by respondent No. 2 is unsustainable in law. It has been passed without jurisdiction, in violation of the principles of

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natural justice and in complete disregard of the past record, remedial efforts and proportionality required in administrative decision making process. The order is thus arbitrary, unreasonable and liable to be quashed.

15. Accordingly, both writ petition numbers 11384 of 2025 and writ petition numbers 11677 of 2025 are allowed.

16. The impugned order dated 4th September 2025 is hereby quashed and set aside.

17. The respondents are directed to forthwith restore the affiliation and recognition of the petitioner schools under the Government Resolution dated 28th August 2009.

18. Rule is made absolute in above terms. No orders as to costs.

[HITEN S. VENEGAVKAR]
JUDGE

[SMT. VIBHA KANKANWADI]
JUDGE