

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

WRIT PETITION NO. 4379 OF 2025

Shobha Sarjerao Markad ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 4380 OF 2025**

Nitish Nagnath Shete ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION (ST.) NO. 9943 OF 2025**

Dhananjay Ramchandra Patil ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION (ST.) NO.9956 OF 2025**

Imran Bashir Mulla ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**AND
WRIT PETITION (ST.) NO. 11926 OF 2025**

Dadasaheb Appasaheb Kharat ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

WITH

WRIT PETITION NO. 3518 OF 2025

Vijay Tulshiram Thengal ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO. 4644 OF 2025**

Maruti Shivdas Thorat ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

Mr.Satish S. Raut with Mr.Shravan S., Mr.Tanmay M. Shembavanekar for the Petitioner in all Petitions.

Mr.V.M.Mali, AGP for Respondent Nos. 1 to 5, State in WP No. 4379 of 2024, WP No. 4380 of 2025 and WP (St.) No. 9943 of 2025.

Mr.S.B.Kalel, AGP for Respondent Nos. 1 to 5, State in WP (St.) No. 9956 of 2025 and WP (St.) No. 11926 of 2025.

Ms.Priyanka Chavan, AGP for Respondent Nos. 1 to 5, State in WP No. 3518 of 2025.

Ms.Nisha Mehra, AGP for Respondent Nos. 1 to 5, State in WP No. 4644 of 2025.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.**

DATE : 08TH APRIL, 2025

P.C. :-

WRIT PETITION NOS. 4379 OF 2025 & 4380 OF 2025

1. Heard the learned Advocate for the Petitioners and the learned AGPs, who are instructed by the Education Officer, at length.

2. Shocking facts emerge from the record.

3. To put the entire fact situation in nutshell, suffice to say that the Deputy Director of Education, Pune Division, Pune, Mr. Rajendra Manik Ahire, had passed an order dated 26th April, 2024 informing the Education Officer (Secondary), Zilla Parishad, Solapur that the approval granted to the appointments of these two Petitioners, has been cancelled, by virtue of the order dated 12th December, 2022.

4. Apparently, this is in defiance of the law laid down by this Court, at the Aurangabad Bench, in ***Pramod s/o. Prabhakar Pokale Vs. The State of Maharashtra and Others***¹ wherein it has been concluded that once an approval is granted by the Competent Authority, the Deputy Director of Education would not have the Authority to cancel the said approval. The only exception is that a fraud or deceit should be exposed before a particular Authority and the due procedure of law, in deference to the principle of *audi alteram partem* shall be followed.

1 2020 (1) ALL MR 146

5. After the aforesaid order dated 26th April, 2024 was passed, some of the Petitioners approached this Court in Writ Petition No. 9695 of 2024. By a short order dated 12th July, 2024, this Court [Coram: Nitin Jamdar (as His Lordship then was) and M.M.Sathaye, JJ.] passed the following order :

“ The Petition was called out in the morning session and kept back in the afternoon session for the learned AGP to take instructions from the Deputy Director of Education. The learned AGP on instructions states that the impugned order dated 26 April 2024 would be withdrawn and the name of the Petitioner No.1 would be entered in the Shalarth ID.

2. In the light of the statement made which we accept, the Writ Petition is disposed of.

3. As regards the approval based on which the Shalarth ID is granted, power does exist with the Deputy Director to cancel the same but is under a different Government Resolution on different set of parameters such as collusion, fraud, misrepresentation, etc.”

6. It is in the above backdrop that the Petition was disposed off since the order itself was recalled. Apparently, the Deputy Director of Education did not desire to invite an adverse order and hence, by the withdrawal of the impugned order, the issue was given a quietus.

7. The interesting factor is that on 14th August, 2024, the same Deputy Director of Education, Mr. Rajendra Manik Ahire, has tacitly restored the order dated 12th December, 2022 and cancelled the approval of the present Petitioners. He has shrewdly avoided mentioning that the said order has been restored. He has cancelled the approval of these two Petitioners. By the communication dated 14th August, 2024, the same Deputy Director of Education has restored the earlier order dated 12th December, 2022 which was the foundation of the order dated 26th April, 2024 which was withdrawn before this Court.

8. Naturally, this clearly indicates an act of overreach by the Deputy Director of Education and the Education Officer. Despite the order of this Court dated 12th July, 2024, the said Officer has audaciously passed the order which is *prima facie* indication of a confrontation with the rule of law.

9. **Both these Writ Petitions are, therefore, allowed.**

10. The original order dated 12th December, 2022 and the communication dated 14th August, 2024 stand quashed and set aside.

The consequential direction by the Education Officer, dated 22nd January, 2025, by which the salary of these two Petitioners has been stopped, stands quashed and set aside. The said Education Officer shall pass an order, within a period of 7 days, releasing the entire withheld salary of the Petitioners and ensure that the arrears are paid, within a period of 15 days thereafter.

11. Considering the conduct of the Deputy Director of Education, Mr.Rajendra Manik Ahire, who is now promoted to the post of Divisional Chairman, Divisional Board of Secondary and Higher Secondary Education, Mumbai, we are *SUO-MOTO* issuing contempt notice in the format prescribed under the Contempt of Courts Act, 1971 to Mr.Rajendra Manik Ahire, returnable on **2nd May, 2025**. We direct the registry to register this proceeding as a *SUO-MOTO CONTEMPT* proceeding.

12. Mr.Rajendra Manik Ahire is at liberty to enter his affidavit-in-reply, on or before 25th April, 2025.

WRIT PETITION (ST.) NOS. 9943 OF 2025 & 9956 OF 2025

13. In these two matters, the Petitioners were appointed as Assistant Teachers on unaided division in 2010 and 2012

respectively. They were granted approval as Assistant Teachers in 2014. They received the Shalarth ID and 20% grant-in-aid salary from 2020 onwards. From 2021, they were beneficiaries of the 40% grant-in-aid. From 2023, they were beneficiaries of the 60% grant-in-aid. On 22nd January, 2025, the Education Officer informed the Headmaster that the Deputy Director of Education, Mr. Rajendra Manik Ahire, has informed him vide the communication dated 14th August, 2024 to stop the salary of these two Petitioners on the ground that the order dated 12th December, 2022 cancelling their approval has been restored.

14. After considering the above fact situation, it is quite clear that Mr. Rajendra Manik Ahire is *prima facie* acting highhandedly. However, in these two matters, since the Petitioners had not earlier approached the High Court, there is no issue of Mr. Rajendra Manik Ahire violating an order of this Court which would cover these two cases.

15. **Both these Writ Petitions are, therefore, allowed.**

16. In view of the above, the original order dated 12th December, 2022 and the communication dated 14th August, 2024

stand quashed and set aside. The consequential direction by the Education Officer, dated 22nd January, 2025, by which the salary of these two Petitioners has been stopped, stands quashed and set aside. The said Education Officer shall pass an order, within a period of 7 days, releasing the entire withheld salary of the Petitioners and ensure that the arrears are paid, within a period of 15 days thereafter.

WRIT PETITION (ST.) NO. 11926 OF 2025, WRIT PETITION NOS. 3518 OF 2025 AND 4644 OF 2025

17. In these matters, the Petitioners were appointed on the post of part time Assistant Teacher on the unaided division in 2013. They were granted approval to their appointments in 2013 and 2014 respectively. They were transferred from the unaided establishment to the aided establishment with the Respondent school in 2016 and 2018 respectively. They were granted approval to their transfer to the aided establishment in 2018. They were granted Shalarth ID.

18. The Education Officer (Secondary) informed the Respondent school vide the communication dated 22nd January, 2025 that the Deputy Director of Education has cancelled the

approval of the Petitioners which was granted in 2013 by restoring the earlier order dated 12th December, 2022 vide the communication dated 14th August, 2024. Hence, the Education Officer has conveyed to the Headmaster on 22nd January, 2025 that the salary of these three Petitioners would be stopped.

19. There is no dispute that the approvals were granted more than 12 years ago. The Shalarth ID has been granted more than 7 years ago. Approval to their transfer from the unaided establishment to the aided establishment, is also granted 7 years ago. The order dated 12th December, 2022 was to be set aside by this Court in Writ Petition Nos. 9410 of 2024 and 9695 of 2024. Though it was with reference to those Petitioners before the Court, the fate of the order dated 12th December, 2022 was settled by this Court when the order dated 26th April, 2024 was withdrawn by the Deputy Director of Education in the said case and the approvals were restored.

20. Now, the said Authority is virtually restoring the order dated 12th December, 2022.

21. In view of the above, **these Writ Petitions are allowed.**

22. In view of the above, the original order dated 12th December, 2022 and the communication dated 14th August, 2024 stand quashed and set aside. The consequential direction by the Education Officer, dated 22nd January, 2025, by which the salary of these Petitioners has been stopped, stands quashed and set aside. The said Education Officer shall pass an order, within a period of 7 days, releasing the entire withheld salary of the Petitioners and ensure that the arrears are paid, within a period of 15 days thereafter.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)