

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

WRIT PETITION NO.10445 OF 2025

Smt.Amruta Ramesh Kavade .. Petitioner

Versus

The State of Maharashtra and Ors. .. Respondents

Mr.Anil Kupade a/w. Mr.Sushant A.Khatake, Advocate for the petitioner.

Mrs.V.R. Raje, AGP for the State – respondent nos.1 to 5.

**CORAM: SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ.**

DATED : 29th JULY 2025.

P.C.:

Being aggrieved by the communication dated 4th July 2024 sent by the respondent no.5–Education Officer and seeking a direction to decide the proposal forwarded by respondent no.6–Shikshan Prasark Mandal, Tembhurni, Taluka Madha, District Solapur and respondent no.7–Janata Vidyalaya and Junior College, Tembhurni, Taluka Madha, District–Solapur (Junior College) for approval of the appointment of the petitioner as "Shikshan Sevak" in respondent no.7–Junior College which is pending before respondent no.5, the petitioner has approached this Court by filing this writ petition under Article 226 of the Constitution of India.

2. The petitioner was appointed as "Shikshan Sevak" on 1st September 2016 after following the due process. A proposal was forwarded by respondent nos.6 and 7 to respondent no.5 on

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13th June 2024 seeking approval to the appointment of the petitioner. The grievance of the petitioner is that the respondent no.5 vide communication dated 4th July 2024 communicated certain deficiencies in the proposal. Thereafter, alongwith explanation on the said deficiencies and complying with the said deficiencies, the respondent no.6–Educational Institution submitted compliance report alongwith all relevant documents.

3. In this case though the proposal was forwarded the same is pending before the respondent no.5, which should have been decided after observing rules of natural justice. In the context of the duty of the respondent no.5, we may usefully refer to the observations of Hon'ble Supreme Court in "*Canara Bank and Others vs. Debasis Das and Others*", (2003) 4 SCC 557 in paragraph 19 of the reported judgment which reads as under:-

"19. Concept of natural justice has undergone a great deal of change in recent years. Rules of natural justice are not rules embodied always expressly in a statute or in rules framed thereunder. They may be implied from the nature of the duty to be performed under a statute. What particular rule of natural justice should be implied and what its context should be in a given case must depend to a great extent on the fact and circumstances of that case, the frame-work of the statute under which the enquiry is held. The old distinction between a judicial act and an administrative act has withered away. Even an administrative order which involves civil consequences must be consistent with the rules of natural justice. Expression 'civil consequences' encompasses infraction of

not merely property or personal rights but of civil liberties, material deprivations, and non-pecuniary damages. In its wide umbrella comes everything that affects a citizen in his civil life."

4. The respondent no.5–Education Officer (Secondary) is directed to consider the stand taken by respondent nos.6 and 7 in relation to the deficiencies reflected in the impugned communication dated 4th July 2024 and take a decision on the proposal so submitted within a period of four weeks. The respondent nos.6 and 7 is granted four weeks time to rectify the deficiencies as pointed out in the communication dated 4th July 2024

5. Writ Petition No.10445 of 2025 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]