

Nikita

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

**WRIT PETITION NO.13823 OF 2023
WITH
WRIT PETITION NO.11122 OF 2022**

The Banda Navbharat Shikshan Prasarak
Mandal Mumbai and Ors. ... Petitioners

V/s.

The State of Maharashtra and Ors. ... Respondents

Mr. Prashant Bhavake for the petitioners.

Mr. Prajakt Arjunwadkar a/w Dhananjay U. a/w Ritesh
R. a/w Prathamesh Hande for the Respondent No.6.

Mr. S. B. Kalel, AGP for the State in WP/13823/2023.

Mr. V. M. Mali, AGP for the State in WP/11122/2022.

**CORAM : M. S. KARNIK &
AJIT B. KADETHANKAR, JJ.**

DATED : 19th NOVEMBER, 2025

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. Heard Mr. Bhavake, learned Counsel for the petitioners, Mr. Prajakt Arjunwadkar, learned Counsel for respondent No.6, Mr. S. B. Kalel, and Mr. V. M. Mali, learned AGPs for respondent – State.

2. These petitions are disposed of by a common order. The complainants in these petitions are different, raising similar grievance. Both petitions challenge the show cause notices issued by the Deputy Director of Education at the behest of the

complainants. We, therefore, refer to the facts in Writ Petition No. 11122 of 2022.

3. Learned Counsel for the petitioners has prayed for quashing and setting aside the impugned notices dated 26th August, 2022 and 11th July, 2023 issued by the respondent No.4-Deputy Director calling for explanation from the petitioners as to why the individual approval granted to the appointment of the petitioners Nos. 9 to 28 as Shikshan Sevak should not be cancelled. Learned Counsel for the petitioners submitted that after following due process, the individual approvals have been granted. In fact, after the approvals were granted by the Education Officer in the year 2015, respondent No.4-Deputy Director granted Shalarth I.D. to the petitioners in the year 2022. Accordingly, the salary of the petitioners came to be released. It is the contention of the learned Counsel that on a false and baseless complaint made by respondent No.6, who is not concerned with the appointments of the petitioners, the impugned notices are issued, calling for explanation as to why individual approvals were granted.

4. Learned Counsel submitted that the complainants have no locus to file such complaints. It is further submitted that on the basis of such complaints, the issuance of the show cause notices by the Deputy Director is uncalled for. In any case, it is submitted that after following due procedure, the individual approvals were granted.

5. Learned Counsel for the petitioners made a grievance that the complainants have also initiated parallel proceedings before Special Investigation Team. Learned counsel for the complainants submitted that it is only the complaint made before the Deputy Director that would be pursued. In case, any other complaint is made to any other Authority by the complainant - respondent No.6, on instructions, it is stated that the same shall not be pursued. Statement accepted.

6. Mr. Arjunwadkar submitted that so far as the complainant Mr. Somnath Gondhali in the connected Writ Petition No.13823 of 2023 is concerned, he too will pursue the complaint only before the Deputy Director of Education and not before any other Authority, so that there are no parallel proceedings. This court, by an interim order, had directed the Deputy Director of Education to proceed with the hearing of the show cause notices, but not to pass final orders. Learned AGP submitted that the orders of approval are obtained by fraud and misrepresentation. This contention of the learned AGP is strongly controverted by the learned Counsel for the petitioners. Learned AGP further submitted that the petitioners are not co-operating with the hearing before the Deputy Director of Education. The Deputy Director of Education had specifically called upon the petitioners to submit their say, but the petitioners have not been forthcoming.

7. In response, on instructions, learned Counsel for the petitioners, on instructions, submitted that the petitioners would file their reply to the show cause notices within a period of three weeks from today. The statement is accepted. The petitioners are granted three weeks time to file the response to the show cause notices before the Deputy Director of Education.

8. It is made clear that all contentions of the petitioners raised in these petitions are kept open, including the objection of the petitioners as regards the locus of the complainants and the power of the Deputy Director of Education to issue a show cause notice in the face of the approval already granted by the Education Officer after following the due procedure.

9. We are inclined to grant a limited protection to the petitioners. The approval to the petitioners appointment is granted in the year 2015. The petitioners are drawing salary. The students should not suffer in case any adverse orders are passed by the Deputy Director of Education. In such view of the matter, we are inclined to grant limited protection to the petitioners by observing that, in case, any adverse orders are passed by the Deputy Director of Education, the same shall not be implemented for a period of eight weeks from the date of communication to the petitioners.

10. The Deputy Director of Education is requested to decide the show cause notices within a period of 12 weeks from the date of

filing of the response by the petitioners. Keeping all contentions of the petitioners open to be agitated, the present petitions are disposed of.

11. All the parties to co-operate.

(AJIT B. KADETHANKAR, J.)

(M.S. KARNIK, J.)