

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

WRIT PETITION NO.10441 OF 2025

Amruta Laxman Dombale	.. Petitioner
Vs.	
The State of Maharashtra, Through School Education and Sports Department and Ors.	.. Respondents

Mr. Utkarsh Desai, i/by Mr. Prashant Bhavake, Advocates for the Petitioner.
Mr. Siddheshwar Kalel, Assistant Government Pleader for Respondent
Nos.1 to 5.

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

DATE : 28TH JULY 2025.

PER SHREE CHANDRASHEKHAR, J.

Being aggrieved by the communication dated 13th January 2025 by the respondent no.5-the Education Officer (Secondary) by which proposal of the respondent no.7-School seeking approval to the appointment of the petitioner as “Shikshan Sevak” in the school run by the respondent no.6 came to be rejected, the petitioner has approached this Court by filing this writ petition under Article 226 of the Constitution of India. In view of a short grievance raised on behalf of the petitioner, Mr. Utkarsh Desai, the learned counsel for the petitioner states that this writ petition may be disposed of by a direction to the respondent no.5 to take a fresh look at the proposal forwarded by the respondent nos.6 and 7.

2. Though a serious objection has been taken by Mr. Siddheshwar Kalel, learned Assistant Government Pleader appearing for the State respondents, we are inclined to grant indulgence in the matter having regard to the nature of deficiencies in the proposal submitted by the

respondent no.7-School and for the reason that no opportunity was granted to the School Authorities to remove those deficiencies.

3. 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. Briefly stated, the petitioner was appointed as "Shikshan Sevak" on 1st July 2022 in open category after following the due process. Thereafter, a proposal was submitted by the School with the respondent no.5 on 10th December 2024 seeking approval of the appointment of the petitioner. The grievance of the petitioner is that the impugned order has been passed without granting them an opportunity to remove the deficiencies in the proposal. Having considered the submissions made at the Bar, we are satisfied that the communication dated 13th January 2025 warrants

interference by this Court. This is well settled that any order whether administrative or quasi-judicial which may ensue serious civil consequences should be passed after observing the rules of natural justice. In our opinion, the affected party must be given sufficient opportunity to defend herself.

5. The respondent no.5 – the Education Officer (Secondary) is directed to consider the stand taken by the School in relation to the deficiencies reflected in the impugned communication dated 13th January 2025 and take a decision on the proposal submitted by it within a period of four weeks. The School is granted four weeks time to rectify the deficiencies as pointed out in the communication dated 13th January 2025.

6. Writ Petition No.10441 of 2025 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]