

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13088 OF 2024**

1. Mahatma Phule Krida Va
Shikshan Prasarak Mandal,
A/p. Sonand, Tal. Sangola,
Dist.: Solapur.
Through its President.
 2. Savitribai Phule Prashala
and Junior College,
A/p. Sonand, Tal. Sangola,
Dist.: Solapur.
Through its Head Master.Petitioners
- Vs.
1. The State of Maharashtra,
Through the Minister,
School Education and Sport,
Department, Mantralaya,
Mumbai – 01.
 2. The Director of Education,
(Secondary and Higher
Secondary), Maharashtra State,
Pune-1.
 3. The Deputy Director of Education,
Pune Region, Pune.
 4. The Education Officer,
(Secondary), Zilla Parishad,
Solapur.
 5. Pramod Shivajirao Kolsepatil,
R/o. Sonad, Tal.: Sangola,
Dist.: Solapur.Respondents

WITH
INTERIM APPLICATION (ST) NO.33627 OF 2024
IN
WRIT PETITION NO.13088 OF 2024

1. Suresh Tukaram Waghmode,
Age: 54, Occu.: Teacher,
At Post : Dattanagar Kadlas,
Taluka Sangola,
Dist. Solapur 413 309.
 2. Bharat Balbhim Pujari,
Age: 57, Occu.: Teacher,
Pujari Mala at Post Sonand,
Taluka: Sangola,
Dist. Solapur 413 309.
 3. Tanaji Uttam Chavare,
Age: 53, Occu.: Teacher,
At Post Sonand, Taluka Sangola,
Dist. Solapur 413 309.
 4. Deepak Kabir Jadhav,
Age: 49, Occu.: Teacher,
At Post Sonand, Taluka Sangola,
Dist. Solapur 413 309.
 5. Navanath Vitthal Nagane,
Age: 49, Occu.: Teacher,
Bhuite Vasti, Kadlas Road,
At Post Sonand, Taluka Sangola,
Dist. Solapur 413 309.
 6. Yuvraj Babasaheb Kasab,
Age: 51, Occu.: Teacher,
At Post Sonand, Taluka Sangola,
Dist. Solapur 413 309.
-Applicants.

In the Matter in Between:

Mahatma Phule Krida Va

Shikshan Prasarak Mandal & Anr.Petitioners.

Vs.

The State of Maharashtra & Ors.Respondents

Mr. Sagar Mane with Mr. Rushikesh Jagdale, for the Petitioner.

Mr. Sanjay D. Rayrikar, AGP, for the Respondent Nos.1 to 3-State.

Mr.Mandar Limaye (Through VC) with Mr. Anant Vadgaonkar, for Intervenor.

CORAM : S. G. CHAPALGAONKAR, J.

DATED : 8th DECEMBER 2025

JUDGMENT :-

1. The Petitioners impugn order dated 21st November 2022 passed by Respondent No.2 appointing Administrator on Petitioner-school for a period of two years.

2. On 23rd September 2024, when matter was heard, this Court recorded submissions made on behalf of Petitioners that when appeal was preferred against order of Director of Education before Hon'ble Minister, reliance was placed on report of Deputy Director of Education, Pune dated 23rd May 2023 and same is foundation of impugned order. It was contention of Petitioners that report dated 23rd May 2023 was never served upon them and relying upon said report impugned order has been passed.

3. In pursuance to aforesaid order, learned AGP was called upon to take instructions as to whether report dated 23rd May 2023 was served upon Petitioner.

4. In response, learned AGP has filed Affidavit in Reply of Dr. Ganpat Shankarrao More, Deputy Director of Education, Pune. The Paragraph No.3 of Affidavit in Reply states as under:

“3. I say that, as per order dated 01.08.2025 this Hon'ble Court directed the answering Respondent to file affidavit thereby showing proof of the service of report dated 23.05.2023. I say that, as explained in the said affidavit the report of Deputy Director office is dated 03.05.2023 and vide letter dated 23.05.2023 Respondent No.2 Director of Education forwarded the report dated 03.05.2023 to the Respondent No.1. Hence there is no any separate report dated 23.05.2023 and 23.05.2024 is merely typographical mistake. I say that, as explained in the reply affidavit dated 05.08.2025 the Respondent has already served the report dated 03.05.2023 to the Petitioner and concerned teachers through post on the address of the school. I say that, same is duly served upon the Petitioner and concerned teachers and Petitioner is merely trying to create confusion. I say that, in view of

the above facts there is no separate acknowledgment of the service.”

5. The aforesaid averments in Affidavit would suggest that there is no report dated 23rd May 2023, however, report dated 3rd May 2023 was served to Petitioner through post on address of school, however, there is no acknowledgment regarding service of such report. No material is placed before this Court to show that Petitioners were duly served with report dated 3rd May 2023. In absence of acknowledgment, this Court accepts contention of Petitioners that impugned order is passed without supplying them copy of report dated 3rd May 2023.

6. In that view of matter, impugned order cannot be sustained in law.

7. In result, Writ Petition is partly allowed.

8. The impugned orders dated 21st November 2022 passed by Respondent No.2 and order dated 2nd September 2024 passed by Respondent No.1 are quashed and set aside.

9. The matter is relegated back to Respondent No.2 for

reconsideration. Respondent No.2 shall ensure that necessary documents including report dated 3rd May 2025, on basis of which action is proposed against Petitioners, are supplied to them and pass further orders in accordance with law after giving due opportunity of hearing to all concerns.

10. Needless to state that Respondent No.2 shall expeditiously take decision and preferably within period of three months from the date of this order.

11. In view of disposal of Writ Petition, Intervention Application stands disposed of, with liberty in favour of Intervenors/Applicants to seek intervention before Respondent No.2-Director of Education, who shall pass appropriate orders.

(S. G. CHAPALGAONKAR, J.)

Digitally
signed by
RAJU
DATTATRAYA
GAIKWAD
Date:
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