

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3476 OF 2025**

Momin Ayesh Shaukat Husain & Ors. Petitioners.

V/s

The State of Maharashtra & Ors. Respondents.

Mr. Vinayak Kumbhar i/b Ms. Ashwini Navjyot Bandiwadekar,
Advocates for the petitioners.

Mr. A.R. Deolekar, AGP for the respondent nos.1 to 3/State.

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

DATE : 30TH JULY 2025

P.C. :

In the counter affidavit several objections have been raised on behalf of the respondents-State supporting the impugned order dated 7th December 2022. Some of the objections indicated in the order dated 7th December 2022 are (i) a copy of the advertisement was not produced, (ii) no objection certificate was not taken before issuance of the advertisement, (iii) staffing pattern was not produced, (iv) combined seniority list was not produced, (iv) pay bills were not produced and (v) details of vacant posts were not provided etc. Mr. Vinayak Kumbhar, the learned counsel for the petitioners submits that these deficiencies could have been addressed by the Management of the School had sufficient opportunity been provided to the petitioner no.2 – Management.

2. In the context of the duty of the respondent no.3, 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.”

3. Four weeks' time is granted to the petitioner no.2 - Management to address the deficiencies. Within next four weeks decision to be taken by the respondent no. 3 – Education Officer (Secondary).
4. Writ Petition No.3476 of 2025 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]