

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date:
2025.03.28
10:09:13 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8840 OF 2024

1. Karnala Sports Academy,)
Plot No.7, Sector No.16,)
Behind HOC Colony,)
New Panvel West,)
District: Raigad.)
Through its Secretary,)
Suryakant Atmaram Thakur,)
Age 59 years,)
Occ: Secretary of the Petitioner.)
2. KSA BARNS High School and)
Junior College,)
Through the Headmaster,)
Plot No.7, Sector No.16,)
Behind HOC Colony,)
New Panvel West,)
District: Raigad.)

... Petitioners

Versus

1. Tribal Development Department,)
State of Maharashtra, 1st Floor,)
Mantralaya, Extension Building,)
Madam Kama Marg,)
Huttatma Rajguru Chowk,)
Mumbai- 400032.)
Through Secretary)
2. Additional Commissioner)
Tribal Development, Thane,)
MTNL, Wagle Estate office)
Premises, Road No.16,)
Opposite Toyota showroom,)
Thane (West) 400 604)
3. Project Officer,)
Integrated Tribal Development)
Project Pen Tal. Pen Dist. Raigad.)
4. Project Officer, Integrated Tribal)
Development Project Dahanu,)
Tal. Dahanu Dist. Palghar.)

... Respondents

Mr. Sugandh Deshmukh a/w. Mr. Aniket Kanawade, Mr. Vaibhav Thorave, Mr. Irvin D'souza, Ms. Karishma Shinde, Advocates for Petitioners.

Mr. S.B. Kalel, Assistant Government Pleader, for Respondent Nos.1 to 4.

**CORAM: A.S. CHANDURKAR &
M.M. SATHAYE, JJ.**

DATE : 25TH MARCH 2025

P.C.

1. Rule. Learned Assistant Government Pleader waives service. Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

2. The challenge raised in this writ petition is to order dated 10.06.2024 passed by Respondent No.1, by which the recognition of the Petitioner No.2 School is withdrawn. The Petitioner is also challenging the consequential impugned orders dated 11.06.2024 issued by Respondent No.2 and orders dated 12.06.2024 and 13.06.2024 passed by Respondent Nos.3 & 4 by which students of Petitioner school are directed to be absorbed to other schools.

3. Learned counsel for the Petitioners, at the outset, submitted that the main impugned order dated 10.06.2024 has been passed without hearing the Petitioners i.e. the management or the school. He submitted that bare perusal of the said order shows that by referring to a letter dated 01.03.2024 issued by Respondent No.2, the Respondent No.1 has withdrawn the recognition. It is further submitted that even copy of the inquiry report, which is brought on record by Respondents along with an affidavit-in-reply on behalf of Respondent No.3, was not

served upon the Petitioners. It is further contended that perusal of the inquiry report shows that there are serious allegations about which inquiry was conducted and in such circumstances, when drastic step such as de-recognition is involved, it was necessary that the principles of natural justice are followed.

4. On the other hand, learned Assistant Government Pleader by referring to the affidavit-in-reply dated 04.09.2024 submitted that anonymous complaints were received by the department with regard to Mr. Shivdas Vitthal Kambale, the Chief Executive Officer (CEO) of the Petitioner School, pursuant to which a committee was constituted for inquiry. He submitted that the committee has visited the Petitioner school and recorded factual aspects and has also recorded statements and noted discrepancies. It is submitted that the report of the committee was forwarded to Respondent No.3, who has forwarded it to Respondent No.2 and thereafter, a decision has been taken. It is submitted that multiple complaints were received about serious misconduct of the said CEO. Perusal of the affidavit-in-reply shows that in paragraph No.16, a stand is taken that since the Petitioner trust is aware of the proceedings since beginning, there is no reason for giving fresh hearing to the Petitioners. In paragraph No.17, it is plainly stated that the impugned order may have drastic effect infringing upon civil rights of the Petitioners, but protection of the children is important and therefore the Petitioners cannot claim equity.

5. Learned counsel for the Petitioners, made a statement on instructions that the concerned CEO - Mr. Shivdas Vitthal Kambale who has been referred in the inquiry report, is no longer in the service of the Petitioners. The said statement is recorded.

6. It is therefore, clear that the Petitioners were not heard when the impugned order taking the step of de-recognition was passed. Therefore, on the limited aspect of principles of natural justice not being followed, we find that the impugned order needs interference, but without entering the merits of the rival contentions on merits.

7. For the aforesaid reasons, the impugned order dated 10.06.2024 and all the consequential orders, challenged in the writ petition, are quashed and set aside.

8. It is open for the Respondents to undertake the process of considering whether recognition of the Petitioner No.2 school requires to be withdrawn. The decision on the said consideration shall be taken after supplying all the material that requires consideration, to the Petitioners and after giving them opportunity of being heard. Thereafter, a reasoned order be passed, in accordance with law.

9. It is clarified that rival contentions on merits are kept open and we have not expressed any opinion on them.

10. Rule is made absolute in above terms with no order as to costs.

11. All concerned to act on duly authenticated or digitally signed copy of this order.

(M.M. SATHAYE, J.)

(A.S. CHANDURKAR, J.)