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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.15151 OF 2024

Shivani Balasaheb Chougale & Ors. .. Petitioner
Vs.
State of Maharashtra & Ors. .. Respondents

...

Mr. Mandar Bagkar, Advocate for the Petitioner.
Ms. P. N. Diwan, Assistant Government Pleader for the Respondent-State.

CORAM : SHREE CHANDRASHEKHAR &
MANJUSHA DESHPANDE, JJ

DATE : 24TH JULY 2025.

P.C. :

Being aggrieved by the order dated 1st August 2024 passed by the respondent nos.2-the Education Officer (Secondary) by which proposal of the petitioner nos.2 and 3 seeking approval to the appointment of the petitioner no.1 as “Shikshan Sevak” in the school run by the petitioner nos.2 and 3 came to be rejected, the petitioners have approached this Court by filing this writ petition under Article 226 of the Constitution of India.

2. Though a serious objection has been taken by Mr. P. N. Diwan, 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 petitioner nos.2 and 3 and for the reason that necessary documents were not appended with the said proposal.

3. Briefly stated, the petitioner no.1 was appointed as “Shikshan Sevak” on 1st July 2024 in EWS category after following the due

process. Thereafter, a proposal was submitted by the petitioner nos.2 and 3 with the respondent no.2 on 29th July 2024 seeking approval of the appointment of the petitioner no.1. The grievance of the petitioners is that the impugned order has been passed without granting them an opportunity to submit the necessary documents with the proposal. Having considered the submissions made at the Bar, we are satisfied that the order dated 01st August 2024 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.

4. In our opinion, the affected party must be given sufficient opportunity to defend himself. In this case, the petitioner nos.2 and 3 were not granted time to remove the deficiencies and therefore the impugned order dated 01st August 2024 has been rendered vulnerable.

5. 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."

6. The respondent no.2 – the Education Officer (Secondary) is directed to consider the stand taken by the school in relation to the deficiencies reflected in the impugned order dated 1st August 2024 and take a decision on the proposal submitted by then within a period of four weeks. The school is granted four weeks time to rectify the deficiencies and submit the necessary documents as pointed out in the order dated 1st August 2024..

7. Writ Petition No.15151 of 2024 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.] [SHREE CHANDRASHEKHAR, J.]