

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

WRIT PETITION NO.17602 OF 2024

Robin Rakesh Shetty ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.17810 OF 2024**

Manasi Aditya Mhatre ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.17812 OF 2024**

Ritesh Bhalchandra Jadhav ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

**WITH
WRIT PETITION NO.17895 OF 2024**

Allwida Sachin Rodrigues ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents

Mr. Prashant Bhavake, Advocate for the Petitioner.

Ms. Pooja Joshi Deshpande, AGP for Respondent Nos.1 to 5-State in WP/17602/2024.

Ms. Priyanka B. Chavan, AGP for Respondent Nos.1 to 5 in WP/17810/2024.

Mr. Utkarsh Desai, Advocate for Respondent Nos.6 and 7 in all Writ Petitions.

Mr. A.C. Bhadang, AGP for Respondent Nos.1 to 5 in WP/17812/2024.

Ms. N.M. Mehra, AGP for Respondent Nos.1 to 5 in WP/17895/2024.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 10th FEBRUARY, 2025

P.C. :

1. In all these Writ Petitions, the learned Advocate for the Petitioners submits that they are identically placed. The advertisement for recruitment was published in Indian Express. This case pertains to the period prior to the delivery of the judgment of this Court in *Nitin Bhika Tadge and Another versus State of Maharashtra and Others*¹ and the Government Resolution (G.R.) dated 27th March, 2024. A statement is made that all these Petitioners are in employment today, though without an approval

2. Having considered the submissions of the learned Advocate for the Petitioner and the AGP, we find that Education Inspector, Brihanmumbai, Western division, has observed that the staffing pattern for the non-teaching staff has not been formularized and on account of the COVID-19 Pandemic, there was a ban on a recruitment. With these

¹SCC online BOM 1116

reasons, the impugned order has been passed.

3. The learned Advocate for the Petitioner submits that if an adequate opportunity of representation to assist the said Authority would have been granted to the management, in short an opportunity of hearing, the management could have pointed out the number of posts available as well as would have cited the G.R. by virtue of which the ban has been lifted. He further submits that the ban would not apply to a minority institution.

4. It is quite evident from the impugned order that the Education Inspector appears to have not referred to the record available. The Petitioner vehemently submits that the posts are available. A ground is taken that the staffing pattern would not apply to a minority institution. All these issues have to be considered by the said Authority, which apparently has not been done.

5. In view of the above, **all these Petitions are partly allowed.** The impugned orders are set aside. The contents of the impugned order would be treated as an intimation to the management as well as the Petitioners, as regards the deficiencies in the proposal. All the

managements are at liberty to rework on the proposal and submit a revised proposal dealing with the issues which the concerned Authority has raised in the impugned orders. Let such revised/reworked proposal be tendered by the management within a period of 30 days. Thereafter, the Education Inspector, Brihanmumbai, Western Division would issue notices of hearing to the stakeholders including the Petitioners and their management and after granting them sufficient opportunity, pass a reasoned order within a period of 60 days from the date of the submission of the revised/reworked proposal.

6. We make it clear that we have not expressed any view or opinion about the claims of these Petitioners. In the event, their approvals are granted, the management would initiate the appropriate procedure for seeking Shalarth ID to these Petitioners. If the approvals are granted and such the procedure is followed, the Shalarth ID be issued within a period of 45 days from the date of the proposal.

7. Since the Petitioners apprehend termination only for the reason that they do not have the orders of approval, we direct their management not to terminate their service in the light of the law laid

down in *St Ulai High School vs. Devendraprasad Jagannath Singh*,
2007 (1) Mh.L.J. 597, only because they do not have an approval.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)