

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

WRIT PETITION NO. 17943 OF 2024

Shikshan Vikas Mandal, Kadus & Anr. ...Petitioner

Versus

The State of Maharashtra & Ors. ...Respondents

Mr. Abhishek Kulkarni a/w Mr. Sagar Wakale, Advocate for the
Petitioners.

Ms. Pooja Deshpande, AGP for Respondent Nos.1 to 3/State.

Mr. Shardul Diwan, Advocate for Respondent No.4.

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 16th APRIL, 2025

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P.C. :-

1. We have considered the submissions of the learned Advocate for the respective sides and have perused the earlier orders passed by this Court, dated 28th June, 2023, on the Interim Application No.7764 of 2023 and 20th June, 2024 in Writ Petition No. 7984 of 2023.

2. It is undisputed that the Government Resolution dated 23rd August, 2017, mandates the Deputy Director of Education to

deal with issues of fraud and manufacturing of documents in matters relating to grant of approvals to the appointment orders. The G.R. makes a reference to an order passed by this Court in Writ Petition No.10133 of 2016, which reads as under :-

“By now, it is settled principle of law that unless the power of review is specifically or by necessary implication provided, the authority cannot review its own order. No doubt, if an order is obtained by exercising fraud, it would stand vitiated. However, it is not the case of the respondent Education Officer that the petitioners have obtained their initially orders by fraudulent means. It is further observed in the said order as under if the earlier Education Officer had granted approval to the petitioners' appointment, may be erroneously, the same cannot be made a ground to recall the same and pass contrary order, unless a case of fraud, misrepresentation or suppression is made out. Particularly, when most of the petitioners have already put in their services for 11 years, the impugned orders would amount to penalising them for no fault on their part.”

3. Since the aforesaid G.R. was not brought to the notice of the Coordinate Bench of this Court when the order dated 20th June, 2024 was passed, this Court directed the Education Officer to take a call on the aspect of fraud. Since the G.R. was before the Education Officer, he referred the matter to the Deputy Director of Education, Pune with intimation notice to the stakeholders, vide communication dated 27th January, 2025. Since the aforesaid G.R.

was also not brought to our notice, we passed an ad-interim order on 10th December, 2024.

4. Considering the G.R. and the intimation notice dated 27th January, 2025, the stakeholders before us agree that they would benefited with an additional opportunity of hearing before Respondent No.2. All of them are agreeable to appear before the said Respondent and put forth their case.

5. In view of the above, this **Writ Petition is disposed off**. All the stakeholders would appear before Respondent No.2, on 5th May, 2025 at 11:00 a.m. If any stakeholder is to be issued with notice, Respondent No.2 would serve a notice on the said person, in order to enable him/her to participate in the proceedings. We make it clear that no notice will be issued to any bystander or stranger who may be triggering complaints, as is recently noticed in view of mushroom growth of such complaints.

6. Respondent No.2 would grant reasonable opportunity of hearing to the stakeholders and close the proceedings within a period of 60 days from 5th May, 2025. Thereafter, within a period of

30 days he would pass a reasoned order. Any aggrieved person would be at liberty to avail of a remedy, as is permissible in law.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)