

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

WRIT PETITION NO.6605 OF 2025

Sharad Gopal Shelke and Anr.	.. Petitioners
Vs.	
The State of Maharashtra, Through School Education Department and Ors.	.. Respondents

Mr. Vinayak R. Kumbhar with Mr. Rajendra B. Khaire, i/by Ms. Ashwini N. Bandiwadekar, Advocates for the Petitioners.

Mr. P.P. Kakade, Additional Government Pleader with Mr. S.B. Kalel, Assistant Government Pleader for the Respondent-State of Maharashtra.

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

DATE : 22ND JULY 2025.

PER SHREE CHANDRASHEKHAR, J.

Being aggrieved by the communication dated 27th March 2025 by the respondent no.3-the Education Officer (Secondary) by which proposal of the petitioner no.2 seeking approval to the appointment of the petitioner no.1 as “Shikshan Sevak” in the school run by the petitioner no.2 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.P. Kakade, learned Additional 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 no.2 and for the reason that sufficient time was not granted to the petitioner no.2 to remove those deficiencies.

3. Briefly stated, the petitioner no.1 was appointed as “Shikshan Sevak” on 11th January 2021 in open category after following the due

process. Thereafter, a proposal was submitted by the petitioner no.2 with the respondent no.3 on 14th September 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 sufficient time to remove the deficiencies in the proposal. Having considered the submissions made at the Bar, we are satisfied that the communication dated 27th March 2025 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. In our opinion, the affected party must be given sufficient opportunity to defend himself. In this case, the petitioner no.2 was granted fifteen days' time to remove the deficiencies and therefore the impugned communication dated 29th March 2025 has been rendered vulnerable. 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. “

4. The respondent no.3 – the Education Officer (Secondary) is directed to consider the stand taken by the petitioner no.2 in relation to the deficiencies reflected in the impugned communication dated 27th March 2025 and take a decision on the proposal submitted by it within a period of four weeks. The petitioner no.2 is granted four weeks time to rectify the deficiencies as pointed out in the communication dated 27th March 2025.
5. Writ Petition No.6605 of 2025 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]