

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

WRIT PETITION NO.6606 OF 2025

Savita Changdev Varpe .. Petitioner
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 October 2021 addressed by the respondent no.2-the Deputy Director of Education to the respondent no.4-College by which the proposal seeking approval to the appointment of the petitioner as “Assistant Teacher (Unaided)” in the respondent no.4-College came to be rejected, the petitioner has 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 the 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 respondent no.4 and the fact that sufficient opportunity was not granted to the respondent no.4 to remove those deficiencies.

3. The petitioner was appointed as “Assistant Teacher (Unaided)” on 16th June 2014 after following the due process. Thereafter, a proposal was

submitted by the respondent no.4 with the respondent no.2 on 13th September 2019 seeking approval to the appointment of the petitioner. The grievance of the petitioner and respondent no.4 is that the rejection order came to be passed on the ground of deficiencies noticed in the proposal sent by respondent no.4 but without granting them sufficient opportunity to remove the said deficiencies.

4. Having considered the submissions made at the Bar, we are satisfied that the communication dated 27th October 2021 was issued without granting sufficient opportunity to the respondent no.4 and, therefore, the rejection order must be held to have been passed in violation of the principles of natural justice. This is well settled that any order whether administrative or quasi-judicial which may ensure serious civil consequences should be passed after observing the rules of natural justice. In the context of the duty of the respondent no.2, 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.”

5. In our opinion, the affected party must be given sufficient opportunity to defend himself but, in this case, the petitioner was not granted sufficient time to remove the deficiencies and, therefore, the impugned communication dated 29th March 2025 has been rendered vulnerable. Therefore, the communication dated 27th October 2021 issued by the respondent no.2-the Deputy Director of Education to the respondent no.4-College is hereby quashed. The respondent no.2-the Deputy Director of Education is directed to consider the stand taken by the respondent no.4 in relation to the reasons assigned in the impugned communication dated 27th October 2021 and take a fresh decision on the proposal submitted by the respondent no.4 within a period of four weeks.
6. Writ Petition No.6606 of 2025 is disposed of in the above terms.

[MANJUSHA DESHPANDE, J.]

[SHREE CHANDRASHEKHAR, J.]