

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

JYOTI
RAJESH
MANE

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WRIT PETITION NO. 9724 OF 2025

Patel Seerat Hamjekhan And Ors .. Petitioner
Versus
The Commissioner CGST And CX Navi
Mumbai Commissionerate .. Respondents

WITH
WRIT PETITION NO. 7229 OF 2025

Sharda Hiralal Bhamare .. Petitioner
Versus
The State Of Maharashtra Thr.
The Secretary Department Of Education
And Sports And Ors .. Respondents

WITH
WRIT PETITION NO. 7240 OF 2025

Nirmala Kiran Diwate Alias
Nirmala S. Thanage And Ors ...Petitioners
Versus
The Commissioner/ Administrator Nashik
Municipal Corporation And Ors .. Respondents

WITH
WRIT PETITION NO. 7243 OF 2025

Satvashila Damodhar Patil And Ors ...Petitioners
Versus
The Commissioner/ Administrator Nashik
Municipal Corporation And Ors ...Respondents

**WITH
WRIT PETITION NO. 7251 OF 2025**

Jayashree Sunil Rajbhoj And Ors	...Petitioners
Versus	
The Commissioner Cum Administrator Nashik Municipal Corporation And Anr	...Respondents

**WITH
WRIT PETITION NO. 7247 OF 2025**

Dipali Ramchandra Ogalmogle And Ors	...Petitioners
Versus	
The Commissioner/ Administrator Nashik Municipal Corporation And Ors	...Respondents

**WITH
WRIT PETITION NO. 7249 OF 2025**

Yogita Sahebrao Ahire	...Petitioner
Versus	
The Commissioner/ Administrator Nashik Municipal Corporation And Ors	...Respondents

**WITH
WRIT PETITION NO. 7245 OF 2025**

Mahesh Vana Patil	...Petitioner
Versus	
The Commissioner/ Administrator Nashik Municipal Corporation And Ors	...Respondents

Mr. Suresh Pakale a/w Mr. Saurabh Pakale a/w. Mr. Nilesh Desai, for the Petitioner in all WPs except WP/7229/2025.

Mr. Sanjeev B. Deore a/w. Ms. Suchita J. Pawar a/w. Mr. Arman Ansari,

for the Petitioner in WP/7229/25.

Mr. Subhash V. Gutte, for the Respondent- Nashik Municipal Corporation in all matters.

CORAM: RAVINDRA V. GHUGE

&

GAUTAM A. ANKHAD, JJ.

DATE: 15th JULY, 2025

P. C.

1. Leave to add the co-Petitioner in W.P. No. 7251/2025, subject to payment of Court fees. The said addition be carried out forthwith.

2. In all these matters, though we have considered the submissions of learned Advocates for quite some time, it is an admitted position that the Commissioner of the Municipal Corporation commenced the inquiry into the absorption/appointment Orders issued to these Petitioners, two years ago, in view of a complaint filed by the MLA Smt. Saroj Ahire and MLC Shri. Kishor Darade. It was contended by this peoples representatives that the reservation roaster (Bindu Namavali) was not properly cited before the highest authority by the Administrative Officer of the Corporation's Education Department at Nasik. Hence, the Commissioner formed a committee comprising of 4 Officers of the Municipal Corporation.

3. In the affidavit-in-reply dated 30th June, 2025, the Additional Commissioner-I has stated that there were several complaints against the Administrative Officer due to the misuse of his administrative powers. The local MLA and MLC filed complaints against him and LAQ No.421, came to be raised on 6th March, 2025 in the Maharashtra Legislative Council. It is further mentioned in the affidavit-in-reply that as per the roaster verification made by the said authority on 24th August, 2023 in respect of the Sanch Manyata (staffing pattern) of the year 2022-23, the following picture emerged:

Marathi – Sanction Posts	678
Filled Post	702
Vacant Post	0
Surplus post	24

4. The inquiry indicated that there were 24 surplus Teachers and absorption of the Petitioners could not be accommodated. All proposals of the respective Teachers were a result of a one sided transfer which were not placed before the Additional Commissioner of the Corporation. They were placed directly before the Commissioner, who granted N.O.C. for transfer.

5. We find from the said affidavit-in-reply that the Additional Commissioner has dealt with several issues, primarily with regard to the irregularities committed in granting N.O.C. for absorption in the Corporation purportedly in the backdrop of adequate posts not being available. However, though not stated in the affidavit-in-reply, the learned Advocate for the Corporation submits on the basis of the record that neither was a notice issued to any of these Petitioners, nor were they called upon to address the Inquiry Committee in the inquiry conducted by the said Committee.

6. In the light of the above, the record reveals that none of these Petitioners were given an opportunity of hearing before there absorption/appointment Orders were unilaterally recalled/cancelled and they were repatriated to their original positions. It does not call for any debate that an adverse order, which causes prejudice to any person, cannot be passed without giving him an opportunity of hearing.

7. In view of the above discussed solitary ground, we are bound to entertain this Petition only with an object of facilitating an opportunity of hearing to all these Petitioners, by issuing a direction to the Corporation to issue Show Cause Notices to these Petitioners calling upon them to explain

their position. The copy of the Inquiry Report would also be supplied to these Petitioners.

8. As such, **these Petitions are partly allowed** for the reason set out herein above. Individual impugned Orders dated 14th /15th May, 2025 which are identical, are quashed and set aside to the extent of these Petitioners. The Competent Authority of the Corporation would issue a notice of hearing to each of these Petitioners along with the copy of the Inquiry Report, by granting them 21 days time to submit there written explanation. These Petitioners would submit their written explanation within the timeline, failing which, the Corporation would be at liberty to initiate appropriate action. The competent authority would scrutinize each case in the light of the Show Cause Notice and the explanation tendered, coupled with the inquiry report and thereafter pass a reasoned order. If any of the Petitioners are aggrieved by the order, they would be at liberty to avail of a remedy as is permissible in law.

9. Needless to state, that in the light of this order, the Petitioners would stand re-instated in the interregnum. If there is no work available or duties to be allotted to any of them, they would be still entitled to their salaries, considering the above directions issued.

10. In the event, an adverse order is passed against any of these Petitioners, we direct that the Order will not be implemented for a period of 15 days to enable the Petitioners to avail of a remedy. However, the issue of Salary for the said period of 15 days would be a subject matter of the proceedings that they may initiate.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]