



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 2654 OF 2024

PETITIONER : Ku. Aruna Bhumraj Rehmatkar, Aged
43 Years, Occu. Service, R/o. C/o. Shri
Rajsthan Kanya Vidyalaya and Junior
Art College, Krishnapura Ward, in front
of Motwani Chambers, Gondia.

//VERSUS//

RESPONDENTS : 1. Joint Director of Education,
(Secondary and Higher Secondary),
Education Directorate, M.S. Pune-01.

2. Deputy Director of Education, Nagpur
Division, Nagpur.

3. The Education Officer (Sec.), Zilla
Parishad, Gondia.

4. Shri Rajsthan Kanya Vidyalaya and
Junior Art College, Krishnapura Ward,
in front of Motwani Chambers, Gondia,
through its Headmistress.

Mr. P.N. Shende, Advocate for the Petitioner.
Mr. A.M. Kadukar, AGP for Respondent Nos.1 to 3/State.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATED : 11th SEPTEMBER, 2025.

ORAL JUDGMENT :- (PER : SMT. M.S. JAWALKAR, J.)

Heard. **RULE.** Rule made returnable forthwith. Heard
finally by consent of the parties.

2. The present petition is filed being aggrieved by the order passed by respondent No.1 – Joint Director of Education (Secondary and Higher Secondary), Education Directorate, Maharashtra State, Pune-1, dated 08/11/2023.

3. The petitioner came to be appointed on 01/01/2020 as a Trained Graduate Teacher on probation for a period of three years by following due process of law. The Education Officer duly approved the said appointment. On 12/11/2021, the Deputy Director of Education cancelled the approval granted by the Education Office; therefore, the petitioner challenged the said order before this Court by filing Writ Petition No.4917/2021. The said petition came to be allowed by setting aside the order dated 12/11/2021, passed by the Deputy Director of Education, Nagpur Division, Nagpur, and the similar directions, which were issued in Writ Petition No.1315/2022, were issued in Writ Petition No.4917/2021.

4. In view of the said order, it was specifically observed that setting aside of the order of the Deputy Director would not automatically result in revival of the approval of the petitioner's services. There was a direction to the Joint Director, Secondary and Higher Secondary Education, Maharashtra State, Pune, to look into the matter and to issue show cause notice to the petitioner if, at all, it is his *prima facie* view that such approval stands vitiated due to fraudulent activities. The show cause notice must indicate the tentative reasons for taking a relook on the issue of approval of the petitioner. It is also further held that if the Joint Director, Secondary and Higher Secondary Education, Maharashtra State, Pune, does not issue the show cause notice within a month of receipt of the copy of

the order, it will be presumed that there is no reason to proceed against the petitioner and in such eventuality, the order of approval of the petitioner's services will revive and the petitioner shall be entitled to all service benefits.

5. The learned Assistant Government Pleader has drawn our attention to the notice dated 08/02/2023. However, it is not a show cause notice but only a notice to appear for hearing. Even on perusal of the impugned order, it is clear that there are 19 posts and only 18 posts are filled in and functional. As such, the observation in the impugned order that there are more teachers working than the sanctioned posts is patently erroneous and without application of mind. As such, the impugned order is liable to be set aside.

6. The effect of the earlier order in Writ Petition No.4917/2021 is that in absence of show cause notice within a month of receipt of the copy of the order, it will be presumed that there is no reason to proceed against the petitioner and in such eventuality, the order of approval of the petitioner's services will revive and the petitioner shall be entitled to all service benefits.

7. Hence, we proceed to pass following order:

ORDER

(a) The writ petition is **allowed**.

(b) The impugned order dated 08/11/2023, passed by respondent No.1 – Joint Director of Education (Secondary and Higher Secondary), Education Directorate, Maharashtra State, Pune-1, is hereby quashed and set aside.

(c) The respondent No.3 – Education Officer (Secondary), Zilla Parishad, Gondia, is hereby directed to immediately release the regular salary and also arrears of salary w.e.f. November, 2021 to December, 2022, and w.e.f. December, 2023 till date, and continue to pay the same in future.

(d) Rule is made absolute in the above terms. No costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Vijaykumar