



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

WRIT PETITION NO.5205 OF 2019

ADARSHA BAHUUDDESHIYA MANDAL, THROUGH PRESIDENT, MANOJ SHAMRAO
WADIBHASME AND ANOTHER

VS

THE STATE OF MAHA. THR. CHIEF SECRETARY, SCHOOL EDUCATION AND SPORTS
DEPARTMENT, MUMBAI AND ANOTHER

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. A.C. Dharmadhikari, Advocate for the petitioner/s
Ms M.H. Deshmukh, AGP for the respondent No.1/State
Mr. P.S. Khobragade, Advocate for the respondent No.2

CORAM : ANIL S. KILOR AND AJIT B. KADETHANKAR, JJ.

DATE : 21.08.2025

1. Heard.
2. The present petition challenges the communications/notices dated 16.07.2019 and 20.07.2019 issued by respondent No.2 – Education Officer (Primary), Zilla Parishad, Bhandara, whereby the petitioners were directed to deposit an amount of Rs.71,085/- in the Government Treasury on or before 22.07.2019 and to submit the challan to that effect.
3. It is the case of the petitioners that petitioner No.2 received a notice dated 11.06.2018, calling upon him to furnish an explanation on the allegation that during the inspection conducted between 3rd and 5th October, 2011, certain irregularities were found in the functioning of the petitioners' school, particularly with respect to availing benefits of government schemes relating to mid-day meals

and distribution of books and uniforms. Petitioner No.2 submitted a reply to the said notice, and thereafter the impugned communications came to be issued.

4. Admittedly, the impugned communications/notices are based on the inspection report which, according to the petitioners, was never furnished to them. Consequently, the issuance of show cause notices without supplying a copy of the said report is rendered meaningless. Moreover, the petitioners contend that no adequate opportunity was afforded to them to respond to the adverse remarks recorded therein or to examine the basis on which such remarks were made.

5. The learned counsel for respondent No.2, on instructions, fairly states that although the petitioners were granted a hearing pursuant to the issuance of show cause notices, the inspection report was not furnished to the petitioners.

6. In view of the statement made by the learned counsel for the Education Officer, it is evident that there has been a violation of the principles of natural justice. Merely issuing show cause notices, calling for an explanation, or granting a hearing, without supplying the inspection report which formed the very basis for issuance of such notices, is meaningless. It cannot, therefore, be said that petitioners were afforded a complete and effective opportunity to defend its case.

7. In that view of the matter, we pass the following order:

- (i) The writ petition is **partly allowed**.
- (ii) The communications/notices dated 16.07.2019 and 20.07.2019 issued by the respondent No.2- Education Officer (Primary), Zilla Parishad, Bhandara, are hereby quashed and set aside.
- (iii) The matter is remitted to respondent No.2 – Education Officer (Primary), Zilla Parishad, Bhandara, to reconsider the case afresh after furnishing a copy of the inspection report to the petitioners and affording them an opportunity to submit their reply and after hearing the petitioners.

(AJIT B. KADETHANKAR, J.)

(ANIL S. KILOR, J.)