



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

**WRIT PETITION NO. 5868 OF 2017**

Someshwar Bante and ors Vs. Deputy Registrar of Education, Nagpur Division, Nagpur and ors)

Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's orders

Court's or Judge's orders

Mr. P.N. Shene, Advocate for petitioner.  
Mr. D.P. Thakare, AGP for respondent No.1/State.  
Mr. R.L. Khapare, Sr. Advocate with Mr. M.M. Dandekar, Advocate  
for respondent No. 6.

**CORAM : ANIL S. KILOR & RAJNISH R. VYAS, JJ.**

**DATED : 17-11-2025.**

Heard learned counsel for the parties.

2. The challenge raised in the present petition is to the order dated 6.9.2017, cancelling the approval of the petitioners, issued by respondent No. 1 - Deputy Director of Education, Nagpur Division, Nagpur. In the impugned order, the grounds for such cancellation of approval of the petitioners are mentioned. Out of total five grounds, first four grounds are relating to non production of the advertisement issued for recruitment. The gist is that no advertisement was produced either by the management or by the petitioners and the last ground is in relation to appointment made during the ban period.

3. Learned counsel for the petitioners submit that before passing such order, the petitioners were not called or no such opportunity to produce the documents was given. However, learned AGP appearing for respondent No. 1 disputes the said fact and pointed out the statement made in the affidavit dated 12.02.2025 to the effect that the respondent No.1 granted hearing to all the concerned parties.

4. The petitioners have filed typed copies of two advertisements. In the first advertisement, the candidates were called along with all the relevant documents for verification on 26.06.2010, whereas, the appointment orders show that the date of application of the petitioners for such appointment was 1.7.2011.

5. Furthermore, in the second advertisement, the candidates were called with all relevant documents for verification on 16.02.2014. The appointment orders were issued on 18.02.2014. The approval order dated 4.3.2014 shows that the approval to the appointments of the petitioner Nos. 8,9,10 and 12 was granted from 18.2.2014, for the probation period.

6. Hence, we are of the opinion that the reasons recorded by respondent No. 1 that there was no advertisement appears to be incorrect.

7. In the circumstances, we are of the opinion that this matter needs to remand back to respondent No. 1 Deputy Director of Education, Nagpur Division, Nagpur to reconsider the whole matter after hearing petitioner Nos. 8,9,10 and 12.

8. As regards other petitioners, we do not find any error committed by respondent No. 1. However, learned counsel Mr. Shende insists that opportunity shall be granted to petitioners other than petitioner Nos. 8,9,10 and 12 to produce such documents which inadvertently not produced with the petition but they possess.

9. In the light of above observations, we pass following order:

**ORDER**

- i) The petition is partly allowed.

ii) The impugned order is quashed and set aside to the extent of petitioner Nos. 8,9,10 and 12. However, we maintain the order in respect of the other petitioners.

iii) Liberty is granted to petitioner Nos. 1 to 7 and 11 to apply to respondent No. 1 for reconsideration of the order dated 4.8.2017, only in a case, if the petitioners possess advertisement in relation to their appointment and order of approval and inadvertently failed to produce the same with the petition.

iv) The respondent No.1 shall entertain such application only in light of the above referred condition and not in any other circumstances.

**(RAJNISH R. VYAS, J)**

**(ANIL S. KILOR, J)**