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

WRIT PETITION NO.8024 OF 2025

VISHWANATH S/O VEDUJI MALI AND ANOTHER
VS
STATE OF MAHARASHTRA AND ANOTHER

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

Court's or Judge's orders

Mr. P.B. Patil, Advocate for the petitioner/s
Ms M.H. Deshmukh, AGP for the respondent Nos.1 and 2/State

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 15.12.2025

1. Heard the learned counsel for the petitioners and the learned AGP for the respondent/State.
2. It is the case of the petitioners that in the year 1995, the Government of Maharashtra had taken policy decision for allotment of one Sainik School to each District in the entire State. In pursuance thereto, the petitioners' society was granted permission to start Military School at Kolwad, Buldhana in the year 2001-02.
3. According to the petitioners, sometime in the month of June-2008, additional sections for each class were granted in Military School run by the petitioners' Society, initially on non-grant basis and further in the year 2015, 20% grants were given to those Sections.
4. The learned counsel for the petitioners states that accordingly, the appointments were made on sanctioned

posts.

5. In accordance with the Government Resolution dated 07.06.2018 for standards 5 to 10, total 6 sections i.e. 12 teachers (since one section requires 2 teachers) were granted but on 30.01.2019 the office of Director of Education has mentioned only 10 posts.

6. Accordingly, a proposal was submitted for correction which was pending. According to the petitioners the issue about admissibility of teachers for additional sections is already subjudiced in Writ Petition No.1499 of 2025, but surprisingly, respondent No.1 has issued the impugned order.

7. Thus, the dispute pertains to civil matter landed in the office of the respondent No.1, who unfortunately without granting opportunity of being heard decided the issue.

8. The fact remains that the petitioner has filed his detailed reply dated 10.12.2025 (Page 33). The said reply has neither taken into consideration nor opportunity of being heard was granted to the petitioner, which is apparent from perusal of the order dated 09.12.2025.

9. There is one more aspect while passing the order dated 09.12.2025, the respondent No.1 went ahead to direct his subordinate officers to register First Information

Report against the petitioner.

10. Be that as it may, since the principles of natural justice are not followed and the drastic action of registration of FIR, is also taken against the petitioner, without going into the merits and demerits of the issue involved, we set aside the order dated 09.12.2025 passed by the respondent No.1.

11. We direct respondent No.1 to decide the issue involved after considering the reply dated 10.12.2025 submitted by the petitioner and after granting the petitioner an opportunity of being heard

12. The said exercise shall be done by the respondent No.1 within four weeks from receipt of this order. The decision taken be informed to the petitioners within three days thereafter.

13. Needless to state that if after deciding the issue, the respondent no.1 comes to the conclusion that the FIR is required to be registered against the petitioner then the said decision shall not be given effect for a further period of 15 days.

14. Accordingly, the petition is **disposed of** in the above terms.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)