



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CIVIL APPLICATION NO. 911 OF 2026
IN RA/184/2024

TARABAI BAPURAO JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

WITH

REVIEW APPLICATION (CIVIL) NO. 184 OF 2024
IN WP/8285/2022

TARABAI BAPURAO JADHAV AND OTHERS

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

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Shri. S. R. Barlinge, Advocate for Applicants

Shri. S. V. Hange, AGP for Respondent Nos.1 to 4

Shri. K. V. Patil, Advocate for Respondent No.6

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CORAM : SHAILESH P. BRAHME AND
RAJNISH R. VYAS, JJ.

DATE : January 22, 2026

ORDER :- (Per Shailesh P. Brahme J.)

. Though Civil Application No.911 of 2026 seeking certain directions was circulated, we proposed to decide the review application, which was pending and ready for the hearing. Heard both sides finally with their consent.

2. The order dated 19.06.2023 dismissing the petition is under review. The applicants had challenged the orders dated 28.02.2022 passed by the respondent – Education Officer and 12.07.2022 passed by the Deputy Director of Education, revoking their approvals in Writ Petition No.8285 of 2022.

3. Mr. S. R. Barlinge, learned counsel for the applicants submitted that the applicants were appointed by following due procedure of law and they were approved by the orders of the Education Officer and after rendering services for more than eight years, their approvals were sought to be canceled at the instance of the complaint made out of rivalry. It is submitted that this Court, in the order under review, did not deal with the proceedings dated 09.04.2019 and the decision dated 30.05.2019 passed by the Deputy Director. It is further submitted that the order dated 10.08.2021 passed by the Deputy Director of Education was also overlooked. These are argued to be the errors apparent on the face of the record for which interference is called for. It is further submitted that, in the absence of any fraud on the part of the applicants, the revocation of their approvals is patent illegality which is overlooked. Our attention is also adverted to the judgment of the Division Bench in the matter of Pawar Ganesh Balkrishna vs. State of Maharashtra reported in LAWS(BOM)-2018-2-248.

4. Per contra, learned AGP submitted that there is absolutely no error on the face of the record and that all aspects of the matter have been taken into account. Re-hearing of the matter is impermissible. It is submitted that before passing the impugned order, due opportunity of hearing was given by the Deputy Director of Education.

5. The petition was dismissed mainly on the count that the applicants were unable to satisfy this Court that due procedure of law was followed, as contemplated by Section 5 of the Maharashtra Employees of Private Schools Act, 1979 and Rule 9 thereof. The Education Officer actually did not cancel the approval, rather, he was directed to conduct inquiry. Accordingly a report was submitted by him on 28.02.2022 with the recommendation to cancel the approvals. The Deputy Director of Education considered the recommendation and heard the parties. Thereafter, order was passed on 12.07.2022 holding that due procedure of law was not followed in appointing the applicants and their approvals were revoked.

6. The judgment of the Division Bench cited by learned counsel Mr. Barlinge in case of **Pawar Ganesh** (Supra) will be of no avail because impugned order was passed by higher authority and that too after extending due opportunity of hearing to the applicants.

7. The enquiry conducted on 09.04.2019 and the decision dated 30.05.2019 are only directions by the Deputy Director of Education to the Education Officer to submit a report, which is referred in the order under review. The decision dated 10.08.2021 passed by the Deputy Director of Education pertains to disbursement of 20% of grants. The applicants did not formulate any ground of objection in the original writ petition and no

arguments were advanced in that regard. Now, for the first time, the learned counsel who did not argue the matter in writ petition is agitating the point. Similarly, no arguments at the relevant time were advanced in respect of fraud.

8. We are guided by principles laid down by Supreme Court in the matter of Malleshwari vs. K. Suguna and Ors. reported in 2025 SCC Online SC 1927, laying down the scope of the review. The submissions of learned counsel for the applicants are in the nature of re-hearing of the writ petition, which is impermissible in the review jurisdiction.

9. The applicants are obliged to demonstrate as to how their appointments are made. We find that no case is made out even in this matter. No relief can be granted in review application.

10. The prayers in the Civil Application regarding directions are beyond the scope of review jurisdiction.

11. Review as well as civil application are rejected.

(RAJNISH R. VYAS, J.)

(SHAILESH P. BRAHME, J.)