

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 17505 OF 2024

Kashinath Dattaram Dhawade

...Petitioner

Versus

The State Of Maharashtra Thr. The Secretary
School Education And Sports Department And Ors

...Respondents

Mr. Prashant Bhavake, Advocate for petitioner.

Mr. Vikas M. Mali, AGP for respondents-State.

**Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date : April 1, 2026.

P.C. :

1. The petitioner has approached this Court challenging the order passed by the Education Officer dated 12th September 2022, whereby the proposal seeking approval for upgradation of the petitioner from the post of Peon to the post of Junior Clerk has been rejected.

2. A perusal of the impugned order dated 12th September 2022 prima facie indicates that no specific reasons have been assigned as to why the proposal of the petitioner has been rejected. What emerges from the impugned order is that the Education Officer has merely made reference to certain Government Resolutions by putting tick marks and

has stated that, in view of the said Government Resolutions, he is unable to take a decision on the proposal. It is further stated that an appropriate decision would be taken after receipt of instructions from the State Government.

3. It will be relevant to note that this Court in **Writ Petition No. 15151 of 2025** (*Shivani Balasaheb Chougale & Ors. Vs. State of Maharashtra & Ors.*), **decided on 24th July 2025** observed in paragraphs 4 and 5 read thus:

4. In our opinion, the affected party must be given sufficient opportunity to defend himself. In this case, the petitioner nos.2 and 3 were not granted time to remove the deficiencies and therefore the impugned order dated 01st August 2024 has been rendered vulnerable.

5. In the context of the duty of the respondent no.3, we may usefully refer to the observations of Hon'ble Supreme Court in "Canara Bank and Others vs. Debasis Das and Others", (2003) 4 SCC 557 in paragraph 19 of the reported judgment which reads as under:-

"19. Concept of natural justice has undergone a great deal of change in recent years. Rules of natural justice are not rule embodied always expressly in a statute or in rules framed thereunder. They may be implied from the nature of the duty to be performed under a statute. What particular rule of natural justice should be implied and what its context should be in a given case must depend to a great extent on the fact and circumstances of that case, the frame-work of the statute under which the enquiry is held. The old distinction between a judicial act and an administrative act has withered away. Even an administrative order which involves civil consequences must be consistent with the rules of natural justice. Expression 'civil consequences' encompasses infraction of not merely property or personal rights but of civil liberties, material deprivations, and non-pecuniary damages. In

its wide umbrella comes everything that affects a citizen in his civil life.”

4. Thus, considering the law laid down by this Court, it is expected of the Education Officer, while deciding the proposal in an administrative capacity, should apply his mind and record specific reasons indicating specific reasons for rejection of approval that too by granting hearing opportunity to concern person. However, in the present case, the impugned order reflects complete non-application of mind on the part of the Education Officer.

5. In this backdrop, the impugned order deserves to be quashed and set aside and the matter is required to be remitted back to the Education Officer for fresh consideration.

6. Hence, the following order:

(i) The Writ Petition is allowed.

(ii) The individual proposal of petition dated 11th August 2022 seeking approval is restored to the file of the Education Officer for fresh decision.

(iii) The Education Officer shall decide the said individual proposal afresh after granting an opportunity of hearing to all concerned parties, within a period of two months from the date of production of this order,

by recording cogent and valid reasons.

7. All the issues are expressly kept open of both the parties.

8. The Writ Petition stands disposed of.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]