

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

WRIT PETITION NO. 2792 OF 2025

Madhuri Bhimrao Patil and others .. Petitioners

..Versus..

The State of Maharashtra and others .. Respondents

WRIT PETITION NO. 2793 OF 2025

Sunil Dinkar Kamble and others .. Petitioners

..Versus..

The State of Maharashtra and others .. Respondents

Mr. Prashant S. Bhavake, Advocate for Petitioners.
Mrs. Neha S. Bhide, GP for Respondents-State in WP No.2792/2025.
Mr. S.B. Kalel, AGP for Respondents-State in WP No.2793/2025.

**CORAM : MADHAV J. JAMDAR AND
PRAVIN S. PATIL, JJ.**

DATE : MARCH 25, 2026.

JUDGMENT

Both these petitions are identical in nature and impugned order is also identical. Hence, both these petitions are taken together and common judgment is passed.

2. In the present petition, without touching to the merits and the reasons recorded in the impugned order dated 2.2.2024, the only submission raised by the petitioners is that they were not given hearing opportunity while passing the adverse order by the Respondent No.5-Administrative Officer, Primary Education School Board, Kolhapur Municipal Corporation, Kolhapur. Hence, seeks indulgence of this court in the matter.

3. The perusal of the record shows that the Management/Head Master has forwarded the proposal of approval of the petitioners to the Respondent No.5-Administrative Officer on 2.1.2024. However, immediately on next date i.e. 2.2.2024, the approval is rejected. Hence, prima facie, it is clear that hearing opportunity was not granted to the petitioners in the matter.

4. The petitioners have relied upon the judgment delivered by this court in Writ Petition No.15151/2024 decided on 24th July, 2025, wherein this court has observed in Para 5 as under :

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 rules 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."

5. In the light of above said factual as well as legal position, we are of the considered opinion that impugned order dated 2.2.2024 being passed without granting hearing opportunity to the petitioners, same needs to be quashed and set aside and matter be remanded back to the Respondent No.5-Administrative Officer to decide afresh.

6. It is, however, made clear that we have not touched to the merits of the matter nor even considered the observations made by the

Respondent No.5-Administrative Officer in the impugned order dated 2.2.2024. The impugned order is set aside only on the ground of non grant of hearing opportunity. As such, after remanding back of the matter, the Respondent No.5-Administrative Officer is at liberty to reconsider the proposal on its own merits only by granting hearing opportunity and decide the same on its own merits. In the circumstances, we proceed to pass the following order :

O R D E R

- (1) Both writ petitions are partly allowed.
- (2) The impugned order passed by the Respondent No.5-Administrative Officer, Primary Education School Board, Kolhapur Municipal Corporation, Kolhapur dated 2.2.2024 is hereby quashed and set aside.
- (3) The proposal forwarded by the Management/Head Master of the School dated 2.1.2024 is restored to the file of Respondent No.5-Administrative Officer, with a direction to decide afresh on its own merits.
- (4) All the contentions and issues raised in the petition are kept open.
- (5) Both the petitions stand disposed of accordingly.

(PRAVIN S. PATIL, J.)

(MADHAV J. JAMDAR, J.)

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