

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 880 OF 2026

Manisha Vasantrai Bille

...Petitioner

VERSUS

The State Of Maharashtra And Others

...Respondents

....

Adv. Datta H. Pawar, for Petitioner.

Mr. S. B. Kalel, AGP for the Respondent-State.

....

CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.

DATE : 10th MARCH, 2026.

PC:

1. The petitioner herein challenged the order dated 12th October 2020, passed by the Education Officer (Secondary), Zilla Parishad, Kolhapur, thereby rejecting the proposal of approval of petitioner against the post of the 'Assistant Teacher' (Shikshan Sevak).
2. According to the learned counsel for the petitioner, after submitting the proposal on 28th September 2020, the respondent No.3 - the Education Officer without granting her any hearing opportunity has rejected the proposal of approval and therefore, approached before this Court by invoking the extraordinary jurisdiction.

3. It is the submission of the learned counsel for the petitioner that the Education Officer has relied upon various Government Resolutions as well as the communication of the Commissioner of Education, Maharashtra State, Pune as well as the policy of Pavitra Portal while rejecting the proposal of the petitioner. The petitioner could have satisfied the Education Officer on all these issues, if the opportunity of hearing would have been granted to her in the matter. It is further pointed out that the Education Officer failed to consider the present legal position about the Government Resolution dated 23rd June 2017. According to learned counsel for the petitioner, this issue is now pending before the Hon'ble Supreme Court in India.

4. The learned AGP has strongly opposed the petition. According to him, the proposal has been decided on the basis of policy framed by the Government. Hence, in such condition, there is no requirement of granting any hearing opportunity to the petitioner. According to him, once it is found by the Education Officer that petitioner is not entitled for the approval, the Education Officer is justified to reject the approval.

5. In the background of this factual position, the learned counsel for the petitioner has relied upon the judgment delivered by this Court in Writ Petition No.15151 of 2024, wherein, this Court has observed in paragraph Nos.4 and 5 as under :-

“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 01 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 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."

6. In the present case, admittedly, petitioner was not given a hearing opportunity. In our opinion, if the petitioner would have been granted a hearing opportunity, the Education Officer would have been in a better position to decide the proposal of approval in light of the submissions made by the parties before him.

7. In the circumstances, respondent No.3-Education Officer

(Secondary) is hereby directed to reconsider the proposal dated 28th September 2020, by granting a hearing opportunity to the petitioner and other stake holders in the matter. Hence, we proceed to pass the following order :-

::ORDER::

- a. The Writ Petition is partly allowed;
- b. The impugned order dated 12th October 2020, passed by the respondent No.3 – the Education Officer (secondary) Zilla Parishad, Kolhapur, is hereby quashed and set aside.
- c. The matter is remitted back to the Education Officer (Secondary) Zilla Parishad, Kolhapur, to decide afresh the proposal dated 28th September 2020, submitted to his office by the respondent No.4 - Head Master of the School by granting hearing opportunity to the petitioner.
- d. The petitioner is directed to appear before the Education Officer on 23rd March 2026 at 11.00 a.m.
- e. The Education Officer should take endeavour to decide the proposal within a period of eight weeks after appearance of the petitioner before him.
- f. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]