

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

CIVIL APPELLATE JURISDICTION

(SR. NO. 58) WRIT PETITION (STAMP) NO. 197 OF 2026

Mahemood Mohd. Gouse Pirzade And Ors.	...Petitioners
Versus	
The State Of Maharashtra Through Secretary School Education And Sports Dept. And Ors.	...Respondents

WITH
INTERIM APPLICATION (STAMP) NO. 1047 OF 2026
IN
WRIT PETITION(ST) NO. 197 OF 2026

Anjuman-E-Targeebe Talim, Akkalkot Through Its President	...Petitioner
Versus	
Mahemood Mohd. Gouse Pirzade And Ors.	...Respondents

ALONG WITH
(SR. NO. 59) WRIT PETITION (STAMP) NO. 202 OF 2026

Nusartbegum Nurooddin Shaikh And Ors.	...Petitioners
Versus	
The State Of Maharashtra And Ors.	...Respondents

WITH
INTERIM APPLICATION (STAMP) NO. 1045 OF 2026
IN
WRIT PETITION(ST) NO. 202 OF 2026

Anjuman-E-Targeebe Talim, Akkalkot Through Its President	...Petitioner
Versus	
Nusartbegum Nurooddin Shaikh And Ors.	...Respondents

**ALONG WITH
(SR. NO. 60) WRIT PETITION (STAMP) NO. 203 OF 2026**

Bushra Farheen Hidayat Meer Khan Pathan And Ors.	...Petitioners
Versus	
The State Of Maharashtra	...Respondent

**WITH
INTERIM APPLICATION (STAMP) NO. 1043 OF 2026
IN
WRIT PETITIONST NO. 203 OF 2026**

Anjuman-E-Targeebe Talim, Akkalkot Through Its President	...Petitioner
Versus	
Bushra Farheen Hidayat Meer Khan Pathan And Ors.	...Respondents

**ALONG WITH
(SR. NO. 71) WRIT PETITION NO. 1191 OF 2026**

Gulbasha Shahajahan Shaikh And Ors.	...Petitioners
Versus	
The State Of Maharashtra Through The Secretary And Ors.	...Respondents

**WITH
INTERIM APPLICATION (STAMP) NO. 2682 OF 2026
IN
WRIT PETITION NO. 1191 OF 2026**

Mahibub Mustafa Khistake	...Petitioner
Versus	
The State Of Maharashtra Through The Secretary And Ors.	...Respondents

**ALONG WITH
(SR. NO. 79) WRIT PETITION NO. 1570 OF 2026**

Sanjivani Chandrakant Nimbalkar	...Petitioner
Versus	
The State Of Maharashtra Through The Secretary School Education And Sports Dept. And Ors.	...Respondents

**WITH
INTERIM APPLICATION (STAMP) NO. 1041 OF 2026
IN
WRIT PETITION NO. 1570 OF 2026**

Anjuman-E-Targeebe Talim, Akkalkot Through Its President	...Petitioner
Versus	
Sanjivani Chandrakant Nimbalkar And Ors.	...Respondents

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Adv. Prashant Bhavake, for Petitioners.
Adv. Anant Vadgaonkar, for applicant in Sr. No.58, 59 and 60.
Mr. Siddheshwar Kalel, learned AGP for the Respondent-State in Sr. No.58.
Ms. Tejas Jayprakash Kapre, learned AGP for the Respondent-State in Sr. No.59.
Mr. Vikas Mahadeo Mali, learned AGP for the Respondent-State in Sr. Nos.60 and 71.
Mr. Avinash A. Naik, learned AGP for the Respondent-State in Sr. No.79.

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

DATE : 6th APRIL, 2026.

ORAL JUDGMENT (PER: PRAVIN S. PATIL, J.)

1. Heard.
2. Rule. Rule made returnable forthwith with the consent of the

parties.

3. In all these petitions, the challenge is to the orders dated 16.12.2025 and 17.12.2025 passed by the Deputy Director of Education, Pune, whereby the proposal forwarded by the Education Officer for inclusion of the names of the petitioners' employees in the Shalarth Pranali has been rejected. The Deputy Director has further directed the Education Officer to resubmit the proposal in accordance with the Government Resolution dated 23.08.2017.

4. It would be relevant to refer the brief facts of matter in order to consider the controversy involved in the present petitions.

5. In the present petitions, the petitioner No.2 Educational Institution is admittedly a Religious (Muslim) and Linguistic (Urdu) Minority Institution. The said Institution appointed the petitioners in the school on post of Shikshan Sewak by issuing advertisement and by following due procedure of law as contemplated under the provision of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977 and Rules framed thereunder.

6. It is also admitted fact that after the appointment of the petitioners, a proposal of individual approval of the petitioners were forwarded to the Education Officer (Secondary), Zilla Parishad, Solapur for grant of approval.

7. It is pertinent to note that the Education Officer (Secondary),

Zilla Parishad, Solapur, in all these matters, after verifying the qualification and other criteria, which is required to be looked into, while deciding the proposal of approval, granted approval as a Shikshan Sewak for a probation period of three years.

8. The State Government by its Resolution dated 07.11.2012 introduced the mechanism of Shalarth Pranali for transparency and accountability in the disbursement of salary of teachers working in the aided Institution. As per his policy, the Deputy Director of Education, Pune, is required to include his name in the Shalarth Pranali and then he has to recommend the name of such employees to generate Shalarth ID in favour of such employees. After generating the Shalarth ID, the employees started receiving salary to the grant which is receivable and permissible to the post on which he was working. As such, it is one of the mechanisms provided by the State Government for maintaining the transparency in disbursement of salary to the teachers.

9. The Government Resolution dated 07.11.2012 was subsequently modified, and revised guidelines were introduced vide Government Resolution dated 10.06.2022.

10. In view of the aforesaid policy of the State Government, the Education Officer, after granting approval to the appointment of the petitioners, forwarded the petitioner's name to the Deputy Director of Education with a request to include the same in the Shalarth Pranali.

The Deputy Director of Education initially pointed out certain deficiencies in the proposal, which were duly complied with by the petitioners, and the petitioners were thereafter expecting an order for inclusion of their names in the Shalarth Pranali. However, for a considerable period, no decision was taken by the Deputy Director of Education in the matter. Consequently, the petitioners, along with the Management, filed Writ Petition No. 11833 of 2023 before this Hon'ble Court seeking a direction to the Deputy Director of Education, Pune, to include their names in the Shalarth Pranali.

11. In the said petitions, a rival group of the Management intervened and raised objections regarding the appointment of the petitioners in the school. In view of the said controversy, this Hon'ble Court, by order dated 08.09.2025, disposed of the writ petition by directing the Deputy Director of Education to decide the pending proposal within a time-bound period. The Court further permitted the rival group to raise objections, if any, before the Deputy Director of Education at the time of consideration of the proposal.

12. In light of the directions issued by this Hon'ble Court, the Deputy Director of Education, Pune, issued a notice to the petitioners directing the petitioners and the Management to remain present in his office on 16.10.2025.

13. In pursuance of the notice issued by the Deputy Director of

Education, the petitioners appeared before the Deputy Director of Education, Pune, and a hearing was accordingly conducted in the matter. Upon conclusion of the hearing, the Deputy Director of Education, Pune, by the impugned orders dated 16.12.2025 and 18.12.2025, rejected the proposal forwarded by the Education Officer on following grounds. Firstly, it was observed that the change report filed by one of the rival groups of the Management had been rejected by the Charity Commissioner. Secondly, it was held that the appointments of the petitioners were made despite there being no available vacancies in the school. Thirdly, it was held that no advertisement had been issued prior to making the appointments. Further, it was noted that the proposal for inclusion in the Shalarth Pranali was forwarded belatedly without any justification. Lastly, it was held that the appointments of the petitioners were not made by a valid and legally recognized Management.

14. The petitioners approached before this Court challenging the order of the Deputy Director of Education on various grounds. However, the main submission of the petitioners is that, while considering the proposal of the petitioners for inclusion of their names in the Shalarth Pranali, it was not permissible for the Deputy Director of Education to decide the validity of the appointment and decide the validity of the management. As such, it is the submission of the petitioners that by

exceeding the jurisdiction, the impugned orders came to be passed by the Deputy Director of Education and sought indulgence in the matter.

15. Learned AGP and the respondent/intervener have strongly opposed the present petition. According to them, this Court while deciding the Writ Petition No.11833/2023 has granted liberty to raise all objections and accordingly, the same were considered by the Deputy Director of Education, Pune. Therefore, there is no illegality committed by the Deputy Director of Education while deciding the proposal.

16. In light of the submission of both the parties, it would be relevant to first consider whether the Deputy Director of Education can enter into controversy to verify which body of management is legal and valid to decide the validity of the appointment of the candidate.

17. In our considered opinion, this issue is elaborately considered by the Coordinate Bench of this Court (Nagpur Bench) in the case of ***Muralidhar Janrao Kale and others Vs. State of Maharashtra and others reported in 2011 (1) Mh.L.J. 849***, by specifically observing that the Educational authority has no power or jurisdiction to decide which Board of trustees shall run the Management and consequently, the Educational authority cannot go through such controversy while deciding the issue of approval between them. It would be relevant to refer paragraph No.9 of the judgment which reads as under:

“9. In the light of the above discussion, we hold that the Deputy Director of Education had no

authority, power or jurisdiction to decide which board of trustees or trustees shall run the management of the Trust and the Schools but the jurisdiction is with the Assistant Charity Commissioner. We therefore hold that the order dated 30-1-2010, passed by the Deputy Director of Education, Amravati Division, Amravati holding that the elected Management led by President in the election on 16-3-2008 and the members shown in the Change Report No. 119/2008 are the authorized trustees to look after the management of the Trust and the school, is without any authority and without jurisdiction. It is noteworthy that this Court while remitting the matter to the Deputy Director of Education while deciding Writ Petition No. 3983/2009 on 11-1-2010 had never asked the Deputy Director of Education to decide this question as to who shall run the Trust and its institutions.

15. Reading of these provisions clearly show that the Education Officer/Deputy Director can direct the management to cancel the appointments made only when the procedure laid in Rule 3 of the M.E.P.S. Rules is not followed. Thus, there is no power in these officers to cancel/suspend or withdraw the approval or administrative and financial powers of a Headmaster for any other reason than those mentioned in Rule 3(1) to (5) of the M.E.P.S. Rules; and therefore in case of dispute amongst the trustees about such appointment, power under Rule 3(6) of the M.E.P.S. Rules cannot be exercised. Both the above Circulars dated 24-6-1986 and 8-1-1988 have repository of power only under Rule 3(6) of the M.E.P.S. Rules and thus action to be taken as mentioned in these Circulars will be only when the appointment is found to be in breach of Rule 3(1) to (5) of the M.E.P.S. Rules. In the case in hand, there are no allegations about the breach of Rule 3(1) to (5) of the M.E.P.S. Rules, but they are about the legality and validity of the status of the trustees/Board of trustees

and thus power under Rule 3(6) of the M.E.P.S. Rules and the said Circulars cannot be exercised. Consequently, the impugned order would be bad in law.”

18. It is further pertinent to note that as per the revised guidelines for implementation of Shalarth Pranali scheme, the State Government has made clear that only in the cases where the authority such as Deputy director of Education, finds fraud, misrepresentation or suppression of facts, then in that cases only, can invoke the powers available with them to decide the proposal by granting opportunity of hearing to the parties. Clause 3.1 and 3.2 of this Government Resolution dated 10.06.2022 prescribed the procedure which is required to be followed by the Deputy Director of Education, if he is of the opinion that there is fraud, misrepresentation or suppression of facts.

19. This Court in Writ Petition Nos.9315/2024 and others has elaborately considered as to how the Deputy Director of Education can take steps if he is satisfied that there is a fraud, misrepresentation or suppression of facts. The relevant paragraphs of the judgment of this Court would be relevant to refer as under:

“18. In respect of grievance of other teachers whose proposal to include their name in Shalarth Pranali and then generate Shalarth Identity is rejected by Deputy Director of Education as well as Director of Education, it will be relevant to consider the clause 3.1 and 3.2 of G.R. dated 10th June 2022. These provisions empowers the Deputy

Director of Education to reconsider the issue of approval, if prima facie Deputy Director of Education satisfied that order of approval granted in favour of employee found to be wrong or illegal by recording cogent reason, he can issue interim direction and keep the proposal in abeyance. Then he required to issue show cause notice to concern employee, Management and the Officer who has granted approval. After receipt of explanation and by granting hearing opportunity, decide the proposal pending on his file. Clause 3.2 clarified that in cases where concern Deputy Director of Education is of opinion that on the count of fraud, misrepresentation or suppression of facts, approval granted in favour of employee found illegal, then by following the procedure incorporated under clause 3.1 and by granting hearing opportunity, can pass the appropriate order. It is added in this clause only on account of fraud, misrepresentation or suppression of facts, approval granted in favour of employee can be revoked by Deputy Director of Education.

19. In view of clause 3.1 and 3.2, it is now mandatory for Deputy Director of Education or Director of Education, first to record reasons on what basis his officer reach to the conclusion that there is fraud, misrepresentation and suppression of facts. By recording those reasons, it would be necessary to issue specific show cause notice to concern Employee, Management, School and Officer who has granted approval and called from them explanation on the specific issues mentioned in the show cause notice. Then by granting hearing opportunity to all of them, passed a reasoned order in the matter.

20. The importance of show-cause notice and it's consequences are considered by the Hon'ble Supreme Court in case of Commissioner of Central Excise Vs. Brandavan Beverages (P) Ltd. reported in (2007) 5 SCC 388 wherein it is held that the show-cause notice is the foundation on which Department has to build up its case. If the allegations are not specific or lack details, same amounts to not giving

proper opportunity to other side to meet the allegations. Consequently, entire subsequent action stands vitiated. It would be relevant to refer paragraph no. 14 of the judgment, which reads as under :-

“14. There is no allegation of the respondents being parties to any arrangement. In any event, no material in that regard was placed on record. The show-cause notice is the foundation on which the Department has to build up its case. If the allegations in the show-cause notice are not specific and are on the contrary vague, lack details and/or unintelligible that is sufficient to hold that the noticee was not given proper opportunity to meet the allegations indicated in the show-cause notice. In the instant case, what the appellant has tried to highlight is the alleged connection between the various concerns. That is not sufficient to proceed against the respondents unless it is shown that they were parties to the arrangements, if any. As no sufficient material much less any material has been placed on record to substantiate the stand of the appellant, the conclusions of the Commissioner as affirmed by CEGAT cannot be faulted.”

21. In another judgment of co-ordinate Bench in Writ Petition No. 1491 of 2021 (Bhushan Vikas Gawade v. The State of Maharashtra and Ors.), this Court has held phrases ‘fraud’, ‘misrepresentation’ or ‘suppression’ are not colloquial terms, but they have a judicially recognised ambit. Observation of co-ordinate Bench, particularly in paragraph 10 is as under :-

“10. This Court in its judgment delivered on Ansari Amina Muzhar (Supra) after considering the Government Resolution dated 23rd August 2017, held that the said Government Resolution was issued after considering the judgment of this Court delivered on 15th August 2017 in Writ Petition No. 10133 of 2016 and order dated 14th August 2017. This Court held that the said Government Resolution restricted the power of reconsideration or review in limited circumstances of fraud, misrepresentation or

suppression. The phrases "fraud", "misrepresentation" or "suppression" are not colloquial terms, but they have a judicially recognised ambit. These three factors are not to be restricted to the acts of teachers and management alone, but they can be by the authorities and by way of collusion. In such cases, the review would be permissible. For that purpose, show cause notice should mention that these factors exist."

22. It is now well settled proposition of law that fraud has a definite meaning in law and the party against whom fraud is alleged must be proved following inquiry and tendering evidence. Mere allegation of fraud or drawing an inference of fraud will not suffice.

23. In light of this settled position of law, we are of the considered opinion that while exercising the powers by Deputy Director of education or Director of Education under Clause 3.2 and 3.3 of Government Resolution, the care is required to be taken as stated in the aforesaid paragraph, then only his decision can be considered on merits by this Court. Failure to adopt the above stated procedure or passing cryptic order for rejection of proposal would be treated dis-obedience of the order or direction stipulated in Government Resolution dated 10th June 2022."

20. In light of the above said factual and legal position, a perusal of the impugned order shows that the Deputy Director of Education has exceeded his powers while deciding the proposal of petitioners of inclusion of their names in the Shalarth Pranali. As per the law laid down in the case of ***Muralidhar s/o Janrao Kale (supra)***, the Deputy Director of Education is not supposed to verify by which trustees, the appointments of the petitioners are made and same are valid trustees of the management or not. However, in the present case, it is clear that

the Deputy Director of Education by exceeding his powers has passed this order and thereby held that as the appointment of the petitioners were not made by the legal and valid Management, therefore, rejected the proposal. Therefore, the impugned orders are bad in law and are liable to be quashed and set aside.

21. It is further pertinent to note that by the Government Resolution dated 10.06.2022, the specific procedure is contemplated under Clause 3.1 and 3.2 by the State Government. As such, the Deputy Director of Education, Pune was bound to follow the procedure as laid down in the Government Resolution while considering the proposal forwarded by the Education Officer in the matter. The perusal of the order nowhere shows that any specific show cause notice was issued to the employee, the institution/school and the Education Officer by pointing out, on what basis, he reached to the conclusion that there is a fraud, misrepresentation or suppression of facts on the part of the parties in the matter.

22. From the perusal of the record, it is nowhere demonstrated by the Deputy Director of Education that any explanation was called from the parties and after considering the explanation, he was of the opinion that the explanation is not satisfactory and, therefore, he has conducted enquiry into the matter. On the other hand, the perusal of the record shows that he has directly fixed the matter for hearing and without

giving notice to the petitioners and other stakeholders conducted hearing and thereby decided the matter. In our considered opinion, the manner in which the decision is taken by the Deputy Director of Education is contrary to the guidelines laid down under Clause 3.1 and 3.2 of the Government Resolution dated 10.06.2022.

23. In light of the above said factual position, we are satisfied that the impugned order is bad in law and, therefore, same needs reconsideration at the instance of the Deputy Director of Education in the light of guidelines laid down under Government Resolution dated 10.06.2022 and the decision of this Court in the Writ Petition Nos. 9315/2024 and others. Accordingly, we pass the following order:

ORDER

- i) Writ Petitions are partly allowed.
- ii) The impugned order passed by the Deputy Director of Education dated 16.12.2025 and 17.12.2025 are hereby quashed and set aside.
- iii) The Deputy Director of Education is directed to reconsider the pending proposals in light of the guidelines laid down as per the Government Resolution dated 10.06.2022 and as per the judgment delivered by this Court in the Writ Petition Nos.9315/2024 and others.
- iv) The Deputy Director of Education, Pune is directed

to complete all the exercise within a period of 30 days from the date of production of this order before him by the parties. No order as to the costs.

24. In view of the disposal of the Writ Petitions, nothing survives in the Interim Applications and the same are also disposed of.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]