

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

WRIT PETITION NO.2213 OF 2024

Shaila Eknath Sanap

....Petitioner

Versus

The State of Maharashtra and Ors.

....Respondents

Mr. Sanjeev B. Deore a/w. Ms. Suchita J. Pawar and Mr. Arman Ansari for the Petitioner.

Mr. P.P. Kakade, Addl. GP a/w. Ms. Priyanka Chavan, AGP for the Respondent – State.

Ms. Mrunal Tavade i/b. Little and Co. for Respondent No.5.

**CORAM : RAVINDRA V. GHUGE
&
ABHAY J. MANTRI, JJ.**

DATE : 16th JANUARY, 2026

P.C. :-

1. Leave to add 'Maharashtra State Board of Secondary and Higher Secondary Education' as Respondent No.5. Amendment be carried out forthwith.

2. After hearing the learned Advocate for the Petitioner and upon perusing the Petition Paper Book, the learned Addl. GP sought instructions in the backdrop of the impugned order dated 13th April 2023, whereby the grant of Shalarth ID to the Petitioner was refused after her transfer from an unaided establishment to an aided establishment. He submits that subsequently, the Deputy Director of

Education, Nashik, raised seven objections vide communication dated 24th May, 2024, after conducting a hearing in which the Management had also participated.

3. As a result, the position on record is that the impugned order indicates that the Shalarth ID cannot be created for the Petitioner who has been transferred to an aided establishment, whereas the communication dated 24th May 2024, indicates that the Divisional Chairman of the Maharashtra State Secondary and Higher Secondary Education Board has noticed certain irregularities with regard to the approval granted to the Petitioner.

4. The learned Advocate for the newly added Respondent No.5 submits that since certain glaring issues have been noticed in the approval, the Board, which is the competent authority in relation to the Petitioner for grant of Shalarth ID, would verify the same from the records. An opportunity of hearing would be granted to the Management. After conclusion of the hearing, a reasoned order would be passed within a period of 60 days from today, and no extension of time would be sought.

5. The learned Advocate for the Petitioner submits that there are several judgments which indicate that once approval is granted, the Shalarth ID should automatically follow. We find from the judgment delivered by this Court [Coram: B.R. Gavai (as His Lordship then was) and Riyaz I. Chagla, JJ.] dated 1st August, 2017 in Writ Petition No.10133 of 2016 and a group of cases (*Mrs. Shivaneesh Prasanna Deshpande v/s. The State of Maharashtra and Ors.*) that ‘unless the power of review is specifically or by necessary implication provided, the authority cannot review its own order. No doubt, if an order is obtained by exercising fraud, misrepresentation, or suppression, it would stand vitiated’. This view has been followed by this Court in *Pramod Prabhakar Pokale v/s State of Maharashtra and Ors.*¹ and in several other matters.

6. We, therefore, make it clear to the Board that the objections raised by them, *prima facie*, do not appear to have any nexus with fraud. However, we do not wish to foreclose the said issue, and the Board shall therefore investigate whether there is any fraud. If there are irregularities which can be condoned, the approval shall be kept intact. If, however, a grave fraud is noticed in going to the root of the grant of approval, only then, the Board would pass a

¹ AIR OnLine 2019 Bom 30

reasoned order justifying interference with the approval. Let this exercise be completed within 60 days.

7. If there is no fraud in the approval granted, the Board would grant Shalarth ID, and in the absence of any such impediment, the Shalarth ID shall be granted. If the Petitioner is aggrieved by any adverse order, she shall be at liberty to assail the same by availing of the remedy as is permissible in law.

8. In view of the above, **this Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)