

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

WRIT PETITION NO. 12743 OF 2025

Vivek Sambhaji Torawane ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents
...

Mr.Vinayak R. Kumbhar with Mr.Rajendra B.Khaire and Mr.Aniket S.
Phapale i/b. Ms.Ashwini Bandiwadekar for the Petitioner.

Ms.PN.Diwan, AGP for the Respondent -State.

Mrs.Pooja Joshi Deshpande for Respondent No.4-Ulhasnagar
Municipal Corporation.
...

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

DATE : JANUARY 16, 2026

PC:

1. This matter was heard on 13.01.2026.
2. The learned Advocate for Respondent No. 4, Municipal Corporation had sought an adjournment to take instructions.
3. Today, the learned Advocate for Respondent No. 4 submits, on instructions, that Respondent No. 4 had not granted any

opportunity of hearing to the Petitioner before the adverse order was passed on 25.11.2022. She further submits that Respondent No. 4 is withdrawing the said order.

4. The learned Advocate for the Petitioner submits that it was Respondent No. 8 who made a frivolous complaint against the Petitioner and, as a consequence, the approval to the appointment granted on 22.06.2016, was unilaterally cancelled on 26.06.2024. The Petitioner's appointment on an unaided basis was approved on 22.06.2016. Upon his transfer to the partially aided establishment, he was granted approval for salary grant to the extent of 20% on 07.06.2018, 40% on 03.09.2020, and 60% on 26.04.2022.

5. It is well settled that unless the authority records a specific finding and arrives at a conclusion that fraud was played in acquiring the approval, an approval once granted cannot be cancelled or recalled at the mere askance. The Division Bench of this Court at the Aurangabad Bench has delivered a judgment in the case of *Pramod Prabhakar Pokale v/s. State of Maharashtra and Others*¹

1 AIR OnLine 2019 Bom 30.

concluding that once an approval is legally granted to the appointment of an employee, while entertaining a proposal for e.g. for transfer to the aided establishment or for any other reason including the reason for grant of Shalarth ID, the approval can not be cancelled. It is only when the department notices a glaring fraud in the authenticity of such approval order, that a particular procedure can be followed to deal with the situation.

6. In view of the above, since Respondent No. 4 is withdrawing the order dated 26.06.2024, the said order, thus, loses its efficacy.

7. The learned Advocate for Respondent No. 4 submits that the said authority would issue a proper notice of hearing to the Petitioner and grant at least 15 days' clear notice period to enable the Petitioner to respond to the notice.

8. We record that if such a hearing is undertaken, all stakeholders, including Respondent No. 8, would be granted an opportunity of hearing to present their case. Unless Respondent No.

4 concludes, on the basis of clear evidence, that a fraud was played by the Petitioner, the order granting approval would not be interfered with.

9. In the event a serious fraud is noticed, a reasoned order would be passed, and the Petitioner would be at liberty to avail of a remedy as may be permissible in law.

10. With the above directions, **this Writ Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)