

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.2604 OF 2026**

Farida Gulab Shaikh

....Petitioner

Versus

The State of Maharashtra & Ors.

....Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Mr. Vinayak R. Kumbhar and Mr. Rajendra B. Khaire i/b. Mrs. Ashwini N. Bandiwadekar for the Petitioner.

Mr. V.G. Badgular, AGP for the Respondent – State.

Mr. Akshay P. Shinde for Respondent Nos.3 and 4.

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

DATE : 25th MARCH, 2026

P.C. :-

1. On 4th March, 2026, we had issued notice. The matter was posted today to enable the learned Advocate for the Rayat Shikshan Sanstha to take instructions and make his submissions as regards the cancellation of the appointment order issued to the Petitioner by the Education Society, vide the impugned order dated 31st December, 2025.

2. The learned Advocate for the Petitioner submits that the selection of the Petitioner was made by following the procedure through the Pavitra Portal. The learned Advocate for the

Management submits that the impugned order was issued actually because the Education Officer orally informed the Management that there are certain discrepancies in the records of the Petitioner.

3. We are surprised that the Education Officer has started issuing oral instructions. Unless there is any communication in writing, such oral instructions do not have any value. Moreover, whether the Education Officer has any jurisdiction to issue such a direction, is an issue to be considered.

4. The learned AGP submits that he wants an adjournment to take instructions. We are not inclined to accept the said request. The matter is posted after 21 days, and in every matter, if the State asks for an adjournment, when the matter can be decided quickly, we would not be able to decide cases.

5. Be that as it may, no Authority can act on oral instructions. If the Management is of the view that there are certain discrepancies in the records of the Petitioner, the Management can issue a show cause notice to the Petitioner, point out the documents in which there are discrepancies, and after hearing the Petitioner, consider whether the Petitioner's appointment was made

legitimately.

6. In view of the above, **this Petition is partly allowed.** The impugned order dated 31st December, 2025 stands set aside with liberty to the Management that, if it believes that there are any documents suffering from discrepancies, it may issue an independent notice to the Petitioner pointing out the documents as well as the discrepancies, give a reasonable opportunity of hearing, and thereafter pass a reasoned order. If the documents are in order, needless to state, the appointment of the Petitioner would continue.

7. The Petitioner would stand reinstated in service and continue in employment in view of this order, and only if there is any adverse conclusion drawn by the Management, the Petitioner would be at liberty to assail the same. If there are no discrepancies, there shall be a presumption of continuity in service.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)