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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

(917) WRIT PETITION NO. 3839 OF 2026

1. Hemant Baliram Deore
Age : 38 years, occu. Service,
R/at: At post Umrane
Tal. Deola, Dist. Nashik.
2. Gramshikshan Samitee Umrane
Through its President/Chairman/Secretary,
Having office at Umarane, Tal. Deola,
Dist. Nashik.
3. The Principal
Shree Chatrapati Shivaji Maratha High
School, Umarane, Tal. Deola, Dist. NashikPetitioners

Versus

1. The State of Maharashtra,
Through the Secretary
School Education Department, Mantralaya,
Mumbai – 400 032.
2. The Deputy Director Education
The office of Education Commissioner
Maharashtra State, Central Building,
Dr. Anni Besant Marg, Pune – 411 001.
3. The Deputy Director Nashik Region,
Divisional Commissioner Office Premises,
Nashik Road, Nashik – 422101
4. The Education Officer (Secondary),
Zilla Parishad, Nashik, Dist: Nashik
5. The Superintendent Pay and Provident
Fund Unit (Secondary), Zilla Parishad,
NashikRespondents

AND
(918) WRIT PETITION NO. 3840 OF 2026

1. Smt. Sangita Motiram Patil.
Age : 49, occu. Service,
R/at: At Post Umarane,
Tal. Deola, Dist. Nashik
2. Gramshikshan Samitee Umrane
Through its President/Chairman/Secretary,
Having office at Umarane, Tal. Deola,
Dist. Nashik.
3. The Principal
Shree Chatrapati Shivaji Maratha High
School, Umarane, Tal. Deola, Dist. NashikPetitioners

Versus

1. The State of Maharashtra,
Through the Secretary
School Education Department, Mantralaya,
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Dr. Anni Besant Marg, Pune – 411001.
3. The Deputy Director Nashik Region,
Divisional Commissioner Office Premises,
Nashik Road, Nashik – 422101
4. The Education Officer (Secondary),
Zilla Parishad, Nashik, Dist: Nashik
5. The Superintendent Pay and Provident
Fund Unit (Secondary), Zilla Parishad,
NashikRespondents

AND
(919) WRIT PETITION NO. 3841 OF 2026

1. Nilesh Mohan Koli
Age : 38 years, occu. Service,
R/at: Flat No.A-802, Malpani Saffron,
Near Express Inn Hotel, Pathardi phata,
Nashik-422010
 2. Maharashtra Shikshan Vikas Mandal, Nashik
Through its President/Chairman/Secretary,
Having office at Kondai Sadan, Old
Gangapur Naka, Nashik-422005
 3. The Principal
New English School Waghere
Tal. Igatpuri, Dist. Nashik
-Petitioners

Versus

1. The State of Maharashtra,
Through the Secretary
School Education Department, Mantralaya,
Mumbai – 400 032.
 2. The Deputy Director Education
The office of Education Commissioner
Maharashtra State, Central Building,
Dr. Anni Besant Marg, Pune – 411001.
 3. The Deputy Director Nashik Region,
Divisional Commissioner Office Premises,
Nashik Road, Nashik – 422101
 4. The Education Officer (Secondary),
Zilla Parishad, Nashik, Dist: Nashik
 5. The Superintendent Pay and Provident
Fund Unit (Secondary), Zilla Parishad,
Nashik
-Respondents

Ms. Pranita Hingmire, Advocate for the Petitioners.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. A.R. Deolekar, AGP for the Respondent/State in WP/3839/2026.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. A.K. Naik, AGP for the Respondent/State in WP/3840/2026.

Mr. P.P. Kakade, Addl. G.P. a/w Mr. V.G. Badgujar, AGP for the Respondent/State in WP/3841/2026.

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

DATE : 27th MARCH, 2026

ORAL JUDGMENT : (PER : RAVINDRA V. GHUGE, J.)

1. Rule. Rule made returnable forthwith and heard finally by the consent of the parties.

2. In all these matters, the Petitioners are individual employees, along with their Managements. The Respondents are the State Authorities on whose behalf the learned Additional G.P./AGPs have appeared.

3. Pursuant to the advertisement published in ‘Dainik Gavkari’ and ‘Dainik Punyanagari’ dated 12th October, 2012

(Hemant Baliram Deore and Sangita Motiram Patil), and 16th June, 2013 (Nilesh Mohan Koli), which are widely circulated newspapers in Nashik, they were considered for employment along with all the Applicants.

4. Two employees, namely Hemant Baliram Deore and Sangita Motiram Patil, were appointed on 30th October, 2012 as Assistant Teachers on unaided basis. They were confirmed in employment and they were granted approval on unaided basis on 14th August, 2014 and on transfer to the aided establishment as Shikshan Sevak, on 19th April, 2018. Nilesh Mohan Koli was appointed on 24th June, 2013 on unaided basis as an Assistant Teacher. His first approval on unaided basis is dated 8th July, 2013. He was transferred on the aided post on 11th June, 2018 and received approval on aided basis, 9th July, 2019. Subsequently, the Petitioners, Hemant Baliram Deore and Sangita Motiram Patil, were granted permanent approval on 6th November, 2020.

5. Hemant Baliram Deore was granted Shalarth-ID on 14th August, 2019. Sangita Motiram Patil was granted Shalarth-ID on 24th September, 2019, and Nilesh Mohan Koli was granted Shalarth-ID on 14th September, 2019.

6. All these three employees, along with the Management, received show-cause notices dated 30th April, 2025, 15th May, 2025 and 14th May, 2025, respectively.

7. A hearing in all these matters was conducted by the Joint Director Education at Pune, who had issued the notices to these Petitioners. The hearing was concluded on 5th August, 2025. In all these cases, the impugned orders are dated 23rd January, 2026. These orders were transmitted to the Deputy Director of Education on 10th February, 2026. All these orders were served upon the Petitioners on 13th March, 2026, and thereafter, these Petitions were filed.

8. In the case of Hemant Baliram Deore, the impugned order cancelling the approval is passed on the following grounds :

9	<i>Impugned order grounds</i>	<i>1. As per GR dated 06-02-2012 no permission taken.</i> <i>2. As per GR dated 28-06-2016 no permission taken and inquire about surplus teacher.</i> <i>3. The Petitioner is not TET qualified.</i>
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9. In the case of Sangita Motiram Patil, the grounds for cancellation of approval and the Shalarth-ID, are as under :

9	<i>Impugned order grounds</i>	<i>1. Appointment is not done as per the Roster, as, as per the roster, there was no vacancy for Open Category.</i> <i>2. As per Gr dated 13/02/2013 and 30/06/2016 the petitioner No.1 is not cleared TET examination.</i>
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10. In the case of Nilesh Mohan Koli, the impugned order carries the following reasons :

9	<i>Impugned order grounds</i>	<i>1. At the time of appointment of the Petitioner No.1 on unaided basis the roster dated 03-01-2019 is checked from BC cell and as per that there was no vacancy for SBC and irrespective of that the appointment of the Petitioner No.1 is made.</i> <i>2. As per the GR dated 06.02-2012 there is violation of point A(3). The Respondent No.2 observed all such reasons and cancelled the individual approval of the Petitioner No.1 granted on unaided basis.</i>
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11. We have considered the strenuous submissions of the parties. The learned Additional G.P/AGPs have vehemently opposed these Petitions. It is canvassed that the Competent Authority has followed the due procedure. Notices for hearing were issued. Written submissions were accepted, not only from the employee, but also from the Management. The Competent Authority has applied its mind to the rival submissions and passed a speaking order. Considering that the Competent Authority has considered all the contentions of the parties and has assigned justifiable reasons, there

is no ground for interference in these matters. The Competent Authority has taken into account every fact of the case and having noticed irregularities, has passed appropriate orders. He had no option, but to cancel the approvals and the Shalarth-ID, since he noticed irregularities in the matter.

FIVE ISSUES ARE TO BE ANSWERED

12. We find that there are five issues to be considered in these cases, which are as under:

- (a) Whether the show-cause notices contained specific instances of irregularities, to enable the employees as well as the Management to respond to the specific allegations?
- (b) Whether there is a large passage of time between the closing of the matters and the date of the passing of the impugned orders?
- (c) Whether the hearings conducted by the Competent Authority, by calling 150 employees along with their Management and Headmasters, on a single day and collecting their written submissions filled into the

prescribed formats appended to the show-cause notice, can be said to be appropriate hearings?

(d) Whether the deficiencies noticed by the Competent Authorities in the appointments of the employees, amount to illegalities or irregularities, and whether any of such irregularities were condonable?

(e) Whether there are any allegations of fraud or misrepresentation in the show-cause notices or conclusions against the Employees?

FIRST ISSUE

13. With regard to the first issue, we find from the show cause notices issued to the Petitioner employees, that there are hardly any details worth mentioning in the notice in order to enable the noticees to understand or gather as to what are the reasons or grounds on which the notices have been issued for the purpose of cancellation of approvals. If the Marathi paragraph in the notice is to be translated in English, it would make out the following meaning:

Taking into account Reference Serial No. 2 (Corrigendum), an officer who is one level senior

shall conduct the hearing with regard to Reference Serial Nos. 3 to 5 pertaining to irregularities in the approvals granted. The hearing is scheduled as per the following programme, and the Education Officer (Secondary), the then Education Officer (Secondary), the President/Secretary, the Headmaster of the school, and the Petitioner employees, shall show cause as to why the approval granted to the employees should not be cancelled. If any of the parties fail to appear in the matter, an ex parte decision would be arrived at.

Hearing Date: 07/05/2025

Time: 10:30 to 5:00

Venue: Naurasji Wadia College, Pune – 411001

14. It does not require any debate that the above show cause notice does not even whisper of any specific charge of irregularity, much less, point out any particular illegality or fraud alleged to have been committed while granting approval to the Petitioner employees.

15. In *Commissioner of Central Excise, Bangalore versus Brindavan Beverages (P) Ltd. and Others*, (2007) 5 SCC 388, the Hon'ble Supreme Court concluded that when the show cause notice does not indicate anything specific regarding the role of the noticee,

such a show cause notice, being vague and lacking in details, can be held to be sufficient to conclude that the noticee was not given a proper opportunity to meet the allegations. For ready reference, we reproduce paragraph Nos. 13 and 14 of the said judgment hereunder:

“13. We find that in the show-cause notice there was nothing specific as to the role of the respondents, if any. The arrangements as alleged have not been shown to be within the knowledge or at the behest or with the connivance of the respondents. Independent arrangements were entered into by the respondents with the franchise-holder (sic franchiser). On a perusal of the show-cause notice the stand of the respondents clearly gets established.

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.”

16. We also find from the impugned order that batches of 150 employees were given time between 10:30 a.m. and 5:00 p.m. on a particular day to address the authority. Each of these noticees was permitted to tender their explanation by filling up the cyclostyled format attached to the show cause notice. Not a single teacher was granted a hearing in the proceeding, save and except, the liberty of tendering the filled-in form, which was in the nature of a questionnaire.

17. So also, it appears that the incumbent Education Officer, as well as the then Education Officers, who are alleged to have resorted to illegalities and irregularities, were absent, since they were attending a similar proceeding being conducted by another nominated officer who had published the schedule for a particular institution and employees, under the same Zilla Parishad. These officers, therefore, could not be present at two places at the same time and on the same day.

18. In view of the above, we find fault with the show cause notices issued to these Petitioners. Such show cause notices cannot be sustained. **Thus, our answer to issue no. 1.**

SECOND ISSUE

19. With regard to the second issue, we find from the impugned orders that the hearings were held on a particular date, and the impugned judgment was delivered after around 7 to 8 months. In the impugned judgment, the forms filled in by the Management, the employees, and the Head Master, etc., have been reproduced in the order. Under the caption of analysis, the nominated officer has mentioned three clauses. Finally, by mentioning three clauses in a single sentence, the conclusions have been drawn.

20. By way of an operative order, the approvals granted have been canceled, and a further direction is issued that their salaries should be immediately stopped.

21. Considering that four pages of the impugned order contain copying of the replies of the parties, and 3/4th of the last page contains cryptic analysis and conclusion, we find that, probably because of the passage of 7 to 8 months, the entire material placed before the authority has not been considered in a proper perspective. Proper consideration of the material available and

reasons to support the conclusion, are the factors which indicate application of mind. Assigning reasons for justifying the conclusions, is a *Sine-Quo-Non* while passing the impugned order. The impugned order would, therefore, be faulted on this count as well. **Hence, our answer to issue no. 2.**

THIRD ISSUE

22. Insofar as the third issue is concerned, whether the competent authority was justified in inviting 150 employees in a single day between 10:30 a.m. and 5:00 p.m., along with their Managements, Head Masters, Ex-Education Officer, and the Incumbent Education Officer, and whether the procedure of collecting their written submissions in the cyclostyled forms appended to the show cause notice, can be said to be a proper hearing or a farce.

23. It is anybody's guess that if 150 employees are to enter the venue and tender their filled-in forms/written submissions, as also by the Management and Head Master, and none of them was allowed to express any view, but, had to leave the venue, such a hearing cannot be said to be an appropriate hearing. More so, when the nominated authority was considering cancellation of the

approvals of the teachers, cancellation of their Shalarth-IDs, and which would result in their termination from employment. Termination from service amounts to civil death. We, therefore, express our serious displeasure for the manner in which the hearing has been conducted.

24. Taking into account that these Petitioner teachers were working for between 10 to 15 years, there was no reason for the nominated authority to resort to such a 'undue-haste' procedure of conducting the hearings, which clearly appears to be a farce or an eye-wash. When these teachers were working for more than a decade and half, proper hearings should have been conducted, keeping in view that termination from service would amount to a civil death for such teachers. We, therefore, disapprove of the manner of conducting the hearing. The hearing is, therefore, faulty and cannot be sustained. Hence, our answer to issue no. 3.

FOURTH AND THE FIFTH ISSUE

25. Insofar as the fourth and fifth issues are concerned, the impugned orders before us in these three Petitions indicate that the reservation roster was not strictly followed by the Management. The

Education Officer did not verify whether the Petitioner teachers were actually working or not. Some of the teachers had not passed their TET.

26. We quite see that if these were the grounds on which the approvals and the Shalarth-IDs had been cancelled, they should have been confronted to the Petitioner teachers, as well as the Management. None of them were aware of the grounds on which the approvals had been cancelled.

27. For example, if the issue of TET was to be raised, the Hon'ble Supreme Court has already delivered a judgment in *Anjuman Ishaat-E-Taleem Trust v/s. State of Maharashtra and Others, 2025 SCC OnLine SC 1912*, concluding that those teachers who do not have TET, should acquire the TET qualification within two years of the date of the judgment, that is, from 01.09.2025. This issue has also been dealt with by this Court in a judgment delivered in *Sagar Dattatray Chorghe & Others v/s. State of Maharashtra & Others, (Writ Petition No. 7943 of 2024 and Writ Petition No. 861 of 2025)* to which one of us (Ravindra V. Ghuge,) is a party, holding that a candidate who had secured the State TET or CTET, even after

the cut-off date of 31.03.2019, would now be eligible to continue in employment in the light of *Anjuman Ishaat-E-Taleem Trust* (supra).

28. The Hon'ble Supreme Court has also held that if a teacher has less than five years to retirement and does not desire promotion, he would continue in his employment, without the TET qualification, subject to the condition that he would be deprived of higher service benefits, promotion, revised pay fixation, and increments.

29. The learned Advocate for the Petitioners is right in contending that if the show cause notice had indicated the grounds on which the Petitioner was called upon to show cause, the Petitioner would at least have come to know the reasons for which the show cause notice was issued. Neither the employee, the Management, nor the Head Master was aware of why the show cause notice had been issued. No fraud or illegality has been alleged.

30. This Court, [Coram: B.R. Gavai (as His Lordship then was) & Riyaz I. Chagla, JJ.], in a large batch of cases, has delivered an order on 01.08.2017 in Writ Petition No. 10133 of 2016 and a

group of cases (*Mrs. Shivaneer Prasanna Deshpande vs. State of Maharashtra and Others*), wherein the issue of cancellation of approval was dealt with. The conclusions drawn by the Court are set out in paragraph Nos. 5 to 8, which read as follows:

“5. Affidavit in reply is filed by the Dy. Education Officer. Perused the reasons given in the impugned orders. In some cases, it is submitted that the selection process was conducted without obtaining prior approval of the Education Officer; and in some cases it is stated that though there was a backlog of reserved category candidates, the candidates were appointed from open category.

6. We find that it will not be necessary for us to go into the merits to find out as to whether the reasons given by the Education Officer in the affidavit are correct or not. We find that the petitions deserve to be allowed on short ground that by the impugned order, Respondent Education Officer has set aside the order passed by the earlier Education Officer. As such, the impugned order revokes the approval granted by the earlier order passed by the predecessor in the office of the Respondent Education Officer. By now, it is settled principle of law 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, it would stand vitiated. However, it is not the case of the Respondent-Education Officer that Petitioners have obtained their initial orders by fraudulent means. If the earlier Education Officer had granted approval to the Petitioners' appointment, may be erroneously, the same cannot be made a ground to recall the

same and pass contrary order, unless a case of fraud, misrepresentation or suppression is made out. Particularly when most of the Petitioners have already put in their services for 11 years, the impugned orders would amount to penalising them for no fault on their part.

7. In that view of the matter, we find that the impugned orders dated 30 July, 2016 are not sustainable in law. We, however, clarify that if the Education Officer is of the view that in some of the schools backlog of reserved category candidates is not properly maintained, the Education Officer would always be empowered to insist that hereinafter no candidate belonging to open category shall be filled in unless the quota of reserved category candidates, as per the requirement of MEPS Act Rules, is fulfilled.

8. Rule is therefore, made absolute in terms of prayer clause (b) with no orders as to costs. All the writ petitions are accordingly disposed of.”

31. This Court has, therefore, concluded that the approvals granted cannot be interfered with and cannot be set aside, save and except for the reason that a fraud has been committed. Even if the Education Officer granted approval erroneously, the same cannot be made a ground to recall the approval order and pass a cancellation order, unless a case of fraud, misrepresentation, or suppression is established. The length of service of the Petitioners, beyond a decade, was also considered by the Court.

32. A glance at the impugned orders makes it clear that there is no conclusion by the nominated authority that the Petitioner employees or the Management have indulged in a fraud or misrepresentation. The grounds for quashing the approvals are that the roster reservation was not properly followed, that a candidate did not have the TET qualification, or that prior permission from the Education Department for carrying out recruitment was not taken.

33. It must be borne in mind that when these Petitioners were appointed more than a decade ago, the Pavitra Portal Pranali was not in vogue; it was brought into effect pursuant to a judgment of this Court [Coram: B.R. Gavai (as His Lordship then was) & Indira K. Jain, JJ.] at the Nagpur Bench in ***Public Interest Litigation No. 08 of 2015 dated 24.06.2015 (Court on It's Own Motion V/s. State of Maharashtra through its Secretary, Department of Education, Mantralaya, Mumbai & Ors.)***. There is no conclusion by the nominated authority that fraud or misrepresentation has been indulged in, either by the Management or by the teachers.

34. A glance at the impugned order gives us a *prima facie* view that the reasons mentioned for cancellation of approval,

actually turn upon the conduct of the Management. It was the Management which can be alleged to have not followed the roster reservation. It is the Management which can be alleged to have indulged in an irregularity of not seeking prior permission of the Education Authority. It could be the Management which can be alleged to have indulged in an irregularity of publishing the advertisement in unknown or less circulated news papers, if that be the case. The Management should have been called upon to explain its conduct.

35. What has happened is that the nominated authority has not uttered a word against such a Management. The resultant effect of cancellation of the approval and Shalarth-ID, is like a death knell to the employees who are not at fault. They are likely to lose their employment due to purported irregularities committed by the Management. We, therefore, conclude that the irregularities were condonable. If the reservation roster was not followed, the Management can be mandated to fill-up the backlog of reservation in future appointments. If advertisements were not published in widely circulated/approved newspapers by the State, if permission of the education department was not taken, the constituted authority

can contemplate imposing heavy costs on the Management, subject to an opportunity of hearing to such Managements. Hence, our answer to issue nos. 4 and 5.

36. In view of the above and taking into account the afore stated reasons, **these three Writ Petitions are partly allowed**. The impugned orders are hereby quashed and set aside.

37. Since, the notices are also held to be unsustainable, if the authorities desire to conduct a proper hearing in these matters, they are at liberty to issue appropriate show cause notices afresh, mentioning the specific grounds in each case of the teachers or Management, as being grounds only towards indicating fraud or misrepresentation. Any issue touching an irregularity can also be confronted, but only with the Management and if it is noticed that the Management has indulged in such irregularities, the authority would be at liberty to pass orders penalizing the Management by any appropriate mode or by imposing a heavy cost to be deposited in the State Exchequer as a donation. But, unless a fraud or misrepresentation is noticed and the teachers can be held to be parties to such acts, the approval orders of the Petitioners shall not

be questioned in view of the law laid down in *Mrs. Shivane*
Prasanna Deshpande (supra) and *Pramod Prabhakar Pokhale V/s.*
State of Maharashtra, (2019) 3 Bom CR 278.

38. Consequentially, the approval orders and the Shalarth-IDs of these Petitioner teachers are restored. They shall be entitled to their salaries, as they have been working without a break in service.

39. Rule is made partly absolute in the above terms.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)