

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(910) WRIT PETITION NO. 5830 OF 2026

Prashant Gangadhar Kshirsagar ... Petitioner
versus
The State of Maharashtra & Ors. ... Respondents

AND

(911) WRIT PETITION NO. 5835 OF 2026

Smt.Sunita Anildatta Mhasane & Ors. ... Petitioners
versus
The State of Maharashtra & Ors. ... Respondents

...

Ms.Pranita P. Hingmire for the Petitioners in both the Petitions.
Mr.P.P.Kakade, Addl.GP with Ms.P.N.Diwan, AGP for the Respondent -
State in Serial No. 910.
Mr.P.P.Kakade, Addl.GP with Ms.D.S.Deshmukh, AGP for the Respondent
-State in Serial No. 911.

...

CORAM : RAVINDRA V. GHUGE &
HITEN S.VENEGAVKAR, JJ.

DATE : APRIL 29, 2026

P.C:

1. Both the Petitions are admittedly identically placed with the individual Petitioners teachers/non teaching employees, who had approached this Court in a group of Writ Petition bearing Nos. 3839, 3840 and 3841 of 2026 (*Hemant Baliram Deore and Ors. vs. The State of Maharashtra and Ors.*). In the present Petitions, the learned Addl.GP has appeared before this Court.

2. The learned Advocate for the Petitioners and the learned Addl.GP are *ad idem* in saying that the judgment of this Court dated 27th March, 2026 delivered in ***Hemant Baliram Deore and Ors.*** (supra), is squarely applicable to both the Petitions.

3. The learned Addl.GP submits that since this Court has taken a view in ***Hemant Baliram Deore*** (supra), and the same would have to be made applicable to the present cases.

4. It is in the light of the above that we are not going into the details in each of these Petitions. Suffice it to say that the law on the following issues has been settled by this Court under paragraph 12 in ***Hemant Baliram Deore*** (supra) :-

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?

5. All the above five issues have been dealt with and answered by this Court in ***Hemant Baliram Deore*** (*supra*). Specific directions have been issued in Paragraph Nos. 33 to 39, which read as under :-

‘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. '

6. Considering the above, **both the Petitions are partly allowed.**

The impugned orders are quashed and set aside. The directions issued in Paragraph Nos. 37 and 38 are made squarely applicable to all these Petitioners employees.

(HITEN S.VENEGAVKAR, J.)

(RAVINDRA V. GHUGE, J.)