



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 5577 OF 2025

1. Manisha Shikshan Prasarak Mandal,
Through its Secretary,
Having office at 48, Ayurvedic
Layout, Raghujinagar,
Nagpur
2. Major Hemant Jakate Public School,
Through its Headmaster,
Having office at Hudkeshwar
Road, Dhamna, Nagpur-
440003

...PETITIONERS

VERSUS

1. State of Maharashtra
Through its Principal Secretary,
School Education & Sports
Department,
Mantralaya, Mumbai -
440032
2. Director of Education
(Secondary & Higher
Secondary),
Central Building, Dr. Annie
Besant Road, Pune- 411001.
3. Deputy Director of Education,
Nagpur Division,
Balbharati Building, Near NMC
Garden, Dhantoli, Nagpur -
440012.

4. Education Officer (Secondary),
Zilla Parishad, Nagpur.

...RESPONDENTS

Shri Anand Parchure, Advocate for petitioners
Shri N.R. Patil, AGP for respondents/State

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ.
DATE : 08.01.2026

ORAL JUDGMENT (PER : NANDESH S. DESHPANDE, JJ.)

Heard.

2. **Rule.** Rule is made returnable forthwith. Heard finally by the consent of the parties.

3. The petitioners by this petition are challenging the order dated 19.08.2025 of the respondent No.3, Deputy Director, by which, the said authority has rejected the proposal seeking permission to start additional sections for the Science stream of the class 11th in the petitioner No.2. It is the contention of the petitioners, as can be seen from the averments made in the petition and from the submissions made before us, that the proposal for such additional classes was forwarded and received by the Office of

Deputy Director on 03.04.2025. The learned Counsel for the petitioner, by taking us through the said order dated 19.08.2025, states that the proposal was in fact received by the said office on 02.04.2025, and on which date there was no requirement of submitting the proposal online only. It is the contention of the learned Counsel for the petitioner that the requirement for submitting the online proposal was made mandatory only by the State Government by its letter dated 09.05.2025. It is therefore his submission that the requirement of submitting an online proposal cannot be applied retrospectively, and more particularly, when admittedly, the proposal has been received well before the date. He therefore prays that the order impugned cannot be sustained and cannot stand to the scrutiny of law.

4. Per contra, the learned Assistant Government Pleader states that, even though the requirement of submitting the proposal online only has been made after the proposal, that cannot be a reason to absolve the petitioner from submitting the proposal online. By pointing out to the letter 09.05.2025, the learned Assistant Government Pleader submits that the requirement of submitting the proposal online mandatorily was made on 07.05.2025 itself.

5. We have perused the record in question, more particularly, the communication placed on record. Admittedly, there is no reply filed by the respondent authority on record, in spite of the fact that vide order dated 09.12.2025, earlier Bench of this Court has observed that it was respondent, authority who shall file reply. The same would be subject to payment of costs of Rs.5000/-. Today, the learned Assistant Government Pleader informs that due to paucity of staff, the order was not complied with, and no reply was filed. The fact remains that there is no reply filed on record on behalf of the respondent authorities.

6. With the assistance of the learned Counsel for the petitioner and the learned Assistant Government Pleader, we have perused the record. The facts as stated in the various communications by respondents, authorities can more or less not be disputed. It would therefore be in the fitness of things to issue the following directions and dispose of the petition.

7. The writ petition is allowed.

8. The impugned order dated 19.08.2025 passed by the respondent No.3, Deputy Director, is quashed and set aside.

9. It is further directed that the respondent No. 3 would consider the proposal sent by the petitioner off line on 15.07.2024 and proceed thereto in accordance with law.

10. The petition is disposed of as such

11. Rule accordingly. No order as to costs.

(NANDESH S. DESHPANDE, J.)

(SMT. M.S. JAWALKAR, J.)

Jayashree..