



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 3765/2018

**Swaraj Bahu Uddeshiya Shikshan Sanstha, through its President and
others Vs. The State of Maharashtra, Through its Secretary,
Department of Education and others**

WITH

WRIT PETITION NO. 3826/2018

**Bengali Education Society, through its Secretary and others Vs. State
of Maharashtra through its Secretary, Department of School
Education and Sports and others**

Office Memoranda Appearances, Court's orders or directions and Registrar's orders	Notes, of Court's orders or Registrar's orders	Office Coram,	Court's or Judge's orders
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Mr. Shivba Dighode, Adv. h/f Mr. Anand Parchure, Advocate for petitioners

Mrs. K.H. Bhondge, AGP for Respondent Nos.1 to 3 in WP No. 3765/2018 & Mr. A.V. Palshikar, AGP for Respondent Nos.1 to 3 in WP No. 3826/2018

**CORAM: ANIL L. PANSARE AND
NIVEDITA P. MEHTA, JJ.**

DATED : 22.09.2026

1. The learned counsel for the petitioner in both these petitions submits that the present petitions could be disposed of in terms of order dated 09.07.2026 passed by this Court in Writ Petition No. 3170/2018 and connected petitions, which is reproduced as under :

“1. Heard learned counsels for the respective parties.

2. The controversy involved in all these petitions is decided by this common order as the issue is similar.

3. Learned counsel for the petitioners have argued that they are either member of teaching or non-teaching staff and their

*approvals were cancelled by the Deputy Director of Education without issuing show cause notice. Learned counsel for the petitioners have relied upon Government Resolution (G.R.) dated 23-8-2017 so also the judgment passed by this Court in **Writ Petition No. 1315/2022 (Dilipkumar Patle and anr. Vs. Deputy Director of Education, Nagpur Division, Nagpur and ors.) dated 5-9-2022** in order to support their case. In their brief submission, they have contended that as the show cause notice was not given and opportunity of hearing was denied, the orders impugned cannot be sustained.*

4. *Per contra, learned Assistant Government Pleaders and respective counsels for the respondents have argued that the notice of hearing was duly given to the petitioners and thereafter orders were passed. They submit that the orders impugned are just and proper.*

5. *With the help of respective counsels, we have gone through the record of the case. It is undisputed that the petitioners are teaching and non-teaching staff of the educational institutions. It is also not disputed that the approvals were granted by the Education Department which were ultimately cancelled by the Deputy Director of Education. The question whether hearing was granted or not and whether show cause notice was issued is required to be ascertained on the touchstone of the submissions made by learned AGPs. The contention of the learned AGPs that the notice of hearing is given, in our opinion, would not be sufficient compliance of the G.R. and the order passed by the coordinate Bench of this Court. It has to be stated that there is difference between show cause notice and notice calling upon the petitioners to attend the hearing. Since the notice for hearing is bereft of any material, we cannot come to the conclusion that it was show cause notice. Be that as it may, since it is undisputed position that neither show cause notice was given nor opportunity of hearing was afforded, we are inclined to the allow the petitions in following terms.*

(i) *The petitions are allowed.*

(ii) *The orders passed by the Deputy Director of Education cancelling approval granted to the petitioners are quashed and set aside.*

(iii) *The Deputy Director of Education before taking any decision shall adhere to the G.R. dated 23-8-2017 and the judgment passed by this Court in **Writ Petition No. 1315/2022 (Dilipkumar Patle and anr. Vs. Deputy Director of Education, Nagpur Division, Nagpur and ors.) dated 5-9-2022.***

2. The petitions are disposed of in the above terms.

(NIVEDITA P. MEHTA, J.)

(ANIL L. PANSARE, J.)