

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(Sr. No. 41) WRIT PETITION NO. 13341 OF 2025

Dr. Kiran Jaiprakash Kuwar. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

WITH

(Sr. No. 42) WRIT PETITION NO. 13342 OF 2025

Bhausahab Bhikanrao Chavan. ... Petitioner.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. Pralhad Bachate, Advocate for Petitioner in WP/13341/2025.

Mr. Sujeet G. Karlekar a/w. Mr. Akshay Karlekar i/b. Pralhad Bachate,
Advocate for Petitioner in WP/13342/2025.

Mr. P.P. Kakade, Addl. G.P. with Ms. D.S. Deshmukh, AGP for
Respondent Nos. 1 to 5/State in WP/13341/2025.

Mr. P.P. Kakade, Addl. G.P. with Ms. Nisha Mehra, AGP for Respondent
Nos. 1 to 5/State in WP/13342/2025.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 13th OCTOBER, 2025

P.C. :

1. The Petitioners have put forth prayer clauses as under :

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“B) By way of writ of mandamus or any other appropriate writ or direction, the Hon'ble Court may kindly direct the respondent Nos. 1 to 4 to frame guidelines so as to protect the employees of office of Deputy Director of Education on account of issuance of shalarth Id.

C) By way of writ of mandamus or any other appropriate writ order or direction, the Hon'ble Court may kindly direct the respondent Nos. 1 to 4 to take decision on the representation filed by the petitioner dated 29.09.2025 in respect of framing of policy before taking action against employees working in the office of Deputy Director of Education on account of grant of Shalarth Id, as their act is held as ministerial act.

D) Pending hearing and final disposal of this writ petition, the Hon'ble Court may kindly direct the respondent Nos. 1 to 4 to frame guidelines so as to protect the Senior Officers/Employees working in the office of Deputy Director of Education on account of issuance of shalarth Id.

E) Pending hearing and final disposal of this writ petition, the Hon'ble Court may kindly direct the respondent authorities to take necessary steps to ensure to conduct preliminary inquiry and not to take any coercive action against the employees working in the office of Deputy Director of Education on account of issuance of shalarth ID after grant of approval by the Education Officer as the act of issuance of shalarth ID is ministerial act and the office of Deputy Director of Education has no jurisdiction to refuse to issue shalarth ID after grant of approval.”

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“B) By way of writ of mandamus or any other appropriate writ or direction, the Hon'ble Court may kindly direct the respondent No.1 to 4 to frame guidelines so as to protect the Senior Officers of the Education Department/ Deputy Director of Education on account of issuance of shalarth Id.

C) By way of writ of mandamus or any other appropriate writ order or direction, the Hon'ble Court may kindly direct the respondent Nos. 1 to 4 to take decision on the representation filed by the petitioner dated 20.09.2025 in respect of framing of policy before taking action against Deputy Director of Education on account of grant of Shalarth Id, as his act is held as ministerial act.

D) Pending hearing and final disposal of this writ petition, the

Hon'ble Court may kindly direct the respondent Nos. 1 to 4 to frame guidelines so as to protect the Senior Officers of the Education Department/ Deputy Director of Education on account of issuance of shalarth ID.

E) Pending hearing and final disposal of this writ petition, the Hon'ble Court may kindly direct the respondent authorities to take necessary steps to ensure to conduct preliminary inquiry and not to take any coercive action against the Deputy Director of Education on account of issuance of shalarth ID after grant of approval by the Education Officer as the act of issuance of shalarth ID is ministerial act and the Deputy Director of Education has no jurisdiction to refuse to issue shalarth ID after grant of approval.”

2. These Petitioners are identically placed and they are presently working as Assistant Director /Deputy Director. The Petitioner in first Petition is presently working as Education Officer (Primary) and the Petitioner in the Second Petition is presently working as Secretary, SSC & HSC Board, Amravati.

3. The common issue is that under various orders of this Court, some of which have been annexed to the Petition as Annexures, the State was directed not to entertain complaints filed by rank outsiders, against teachers and employees whose approvals and shalarth ID were intact, for either cancelling the shalarth ID or interfering with the approvals granted several years ago. In the light of the said judgments, these Petitioners declined to entertain several complaints filed by rank outsiders. The Government has also introduced a Government

Resolution dated 18/2/2025.

4. The grievance of the Petitioners is that now such rank outsiders, since they cannot approach the Education Department by levelling allegations against the approved teachers and employees, have started filing FIRs against the senior officers like these Petitioners and such FIRs are being entertained by the Police Stations. They pray that the State Government must initiate some policy for ensuring that these officers who are performing their statutory duties, are protected in some way to avoid arbitrary disciplinary action. A Government Circular dated 04/01/2017 issued by the Rural Development Department, is cited.

5. Issue notice to the Respondents, returnable on 24th November, 2025. The learned Additional Government Pleader appears for all the Respondents.

6. Let affidavit in reply be filed, at least, 10 days prior to the returnable date.

7. In the meanwhile, the officers like these Petitioners would follow the dictum of this Court in not entertaining complaints from rank

outsiders, as well as the Government Circular dated 26/12/2019.

8. So also, in the matters of issuing notices by the department to officers like these Petitioners, a reasonable opportunity for presenting the documents and hearing should be granted and there should not be a farce created in the nature of granting opportunity of hearing by directing that the documents should be produced within two days, as is happening in the present case. We expect the Department to be more pragmatic in such matters, rather than indulging in undue haste in calling for explanations within a very short duration. So also, in matters of registering FIR, the dictum in paragraph Nos. 115 onwards and especially 120.6 of *Lalita Kumari v/s. Government of U.P. & Ors. [(2014) 2 SCC 1]*, should also be considered by the concerned Authorities in such a matters.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)