

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.16238 OF 2025

Vaishali Pravin Patil & Anr.Petitioners

Versus

The State of Maharashtra
through Chief Secretary,
Mantralaya, Mumbai & Ors.Respondents

WITH
WRIT PETITION NO.2675 OF 2026

Akhil Maharashtra Shikshan Seva
Rajpatrit Adhikari Sangh through its
Working President, Ravindra Bapusaheb WaniPetitioner

Versus

The State of Maharashtra & Ors.Respondents

WITH
CONTEMPT PETITION NO.722 OF 2025
IN
WRIT PETITION NO.13342 OF 2025

Bhausahab Bhikanrao ChavanPetitioner

Versus

The State of Maharashtra
through Chief Secretary,
Mantralaya, Mumbai & Ors.Respondents

WITH
WRIT PETITION NO.13341 OF 2025

Kiran Jaiprakash KuwarPetitioner

Versus

The State of Maharashtra
through Chief Secretary,
Mantralaya, Mumbai & Ors.Respondents

WITH

CONTEMPT PETITION NO.144 OF 2026
IN
WRIT PETITION NO.13341 OF 2025

Kiran Jaiprakash KuwarPetitioner

Versus

The State of Maharashtra
through Chief Secretary,
Mantralaya, Mumbai & Ors.Respondents

WITH
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IN
WRIT PETITION NO.13342 OF 2025

Bhausahab Bhikanrao ChavanPetitioner

Versus

The State of Maharashtra
through Chief Secretary,
Mantralaya, Mumbai & Ors.Respondents

WITH
WRIT PETITION NO.15784 OF 2025

Uday s/o. Vithalrao DeorePetitioner

Versus

The State of Maharashtra
through Chief Secretary,
Mantralaya, Mumbai & Ors.Respondents

Mr. Sujeet G. Karlekar a/w. Mr. Akshay S. Karlekar, Mr. Pralhad D.

Bachate, for the Petitioners in all the Writ Petitions.

Ms. Neha S. Bhide, GP a/w. Mr. P. P. Kakade, Addl.GP and Mr. V. G. Badgujar, AGP, for the Respondent-State in Writ Petition No.16238/2025.

Ms. Neha S. Bhide, GP a/w. Mr. O. A. Chandurkar, Addl.GP and Mr. A. K. Naik AGP, for the Respondent-State in Writ Petition No.2675/2026.

Ms. Neha S. Bhide, GP a/w. Mr. P. P. Kakade, Addl.GP and Mr. S. H. Kankal, AGP, for the Respondent-State in Contempt Petition No.722/2025.

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

DATE : 7th MARCH, 2026

P.C. :

1. **Issue notice** to the Respondents in the Writ Petitions, returnable on **21st April, 2026**.

2. Since the State of Maharashtra is yet to enter its affidavit in reply in these matters, we would restrict this order to a burning issue which has been a subject matter of adjudication over the last almost 3 or more years at the Principal seat and the Benches. The bone of contention is that strangers who have nothing to do with Educational Institutions, who may have an axe to grind against any particular employee or any particular management or who may just be freelancers, indulge in lodging complaints which has led to initiation of roving inquires against Professors of Universities, Teachers working in several schools and managements all over the State of Maharashtra. This has led to increased

litigation before the Court.

3. It would be appropriate to refer to certain orders passed by this Court, which are cited today for reference purposes and which would highlight the reason why this Court has observed that complaints made by strangers, bystanders and persons unconnected with Educational Institutions, should be restrained because of the impact caused by such complaints on such teachers and employees who have settled in employment decades ago.

4. One such exhaustive judgment delivered by this Court was in the matter of *Sandeep Chudaman Shinde & Anr. vs. The State of Maharashtra & Ors.* in Writ Petition No.7740 of 2021, delivered on 8th December 2023. In the said judgment, this Court has dealt with a complaint filed by stranger leading a political outfit and having no connection with an Educational Institution. The said judgment is extensive and in order to avoid enlarging the size of this order, we are only making a reference to the said judgment wherein the issue of strangers filing complaints and triggering roving inquiries and precipitative actions against teachers and employees, was taken note of and tried to be controlled by this Court.

5. In one more judgment delivered by this Court on 6th August

2024, at Aurangabad Bench in Writ Petition No.4893 of 2024, ***Pratidnya Trimbakrao Chavan & Ors. vs. The State of Maharashtra & Ors***, a complaint lodged by a person namely, Shrinivas Radhakisan Ughade who claimed to be the President of ‘Sujan Nagarik Annyay Va Brashtachar Virodhi Janjagruti Va Nirmulan Samiti’, was dealt with by this Court. Because the person threatened a fast-unto-death, the Deputy Director of Education, Aurangabad Division, had started a roving inquiry. In yet one more case, the Education Department had sprung into action on a complaint filed by a stranger leading an organization with the title ‘All India Panther Sena, Vidrohacha Visphot Karnara Bandkhor, Maharashtra Adhyaksha Vinod Bhole and Rashtriya Adhyaksha Deepak Kedar’.

6. In Writ Petition No.2492 of 2024, ***Nishant Namdeorao Gatkal & Anr. vs. The State of Maharashtra & Ors***, this Court has delivered an order on 23rd October 2024 in similar set of facts when a complaint lodged by a stranger was entertained and roving inquiries were commenced. For ready reference of the various orders passed by this Court, we deem it appropriate to reproduce paragraph Nos.2 to 12 from ***Nishant Namdeorao Gatkal*** (supra), which read as under:-

“2. *The learned Senior Advocate for the Petitioners, relies upon the following judgments/orders delivered by this Court, at the Principal seat and at the Aurangabad Bench :-*

(i) Judgment dated 8th December, 2023 delivered by this Court at Aurangabad in Writ Petition No. 7740 of 2021

(Sandeep Chudaman Shinde and Another V/s. The State of Maharashtra and Others);

(ii) Order dated 13th September, 2024 delivered by this Court at Aurangabad in Writ Petition No. 9740 of 2024 (Vaishali Prakash Upasani alias Vaishali Pravin Deshpande and Others Versus The State of Maharashtra and Others);

(iii) Order dated 16th July, 2024 delivered by this Court at Aurangabad in Writ Petition No. 7230 of 2024 (Kashinath Rajaram Patil and Others Versus The State of Maharashtra, through Its Principal Secretary and Others).

(iv) Order dated 6th August, 2024 delivered by this Court at Aurangabad in Writ Petition No. 4893 of 2024 (Pratidnya Trimbakrao Chavan and Others Versus The State of Maharashtra through Its Secretary and Others).

(v) Order dated 23rd June, 2021 delivered by this Court at Aurangabad in Writ Petition No. 5973 of 2020 (Hemraj Jagannath Fegade Versus The State of Maharashtra and Others).

(vi) Order dated 01st August, 2024 delivered by this Court at Aurangabad in Writ Petition no. 7964 of 2024 (Vikas Dharma Sonawane and others Versus The State of Maharashtra and Others).

3. He also points out a Government Notification, dated 14th October, 2019 issued by the General Administration Department, Mantralaya, State of Maharashtra, directing all concerned not to entertain complaints or applications received from those who have no connection with any institution or through agents etc., He further points out a Circular issued by the Commissionerate of Education, Maharashtra State, dated 26th December, 2019 specifically issuing instructions that the applications regarding personal grievances should be accepted only from persons who are themselves aggrieved and not through agents or strangers. He also relies upon a Notification dated 3rd December, 1958 which introduced the Rules for the preparation, submission and disposal of the applications to the

Government.

4. We have considered the submissions of the learned Advocates for the respective sides, including the learned Advocate representing Respondent No.5, original Complainant.

5. Time and again, we have cautioned the State Authorities not to entertain the applications filed by social workers or bystanders or persons unconnected with the organization and who have not suffered any personal legal injury.

6. In several cases, we have noticed that the persons describing themselves as social workers, lodge complaints against teachers and professors working in Schools, Colleges and Universities and hold out threats to the education department to compel them to commence roving inquiries against such employees. We have directed that such complaints should not be entertained. In some matters, we have also held that, Writ Petitions filed by such persons who intend to settle a personal score or pray for roving inquiries, should not be entertained.

7. The learned Senior Advocate appearing for the Petitioners submits that Respondent No. 5 herein, has lodged several complaints against the Petitioner Institution and has also started filing RTI applications seeking personal information about the employees and the management of the Institution, though he is completely unknown and unconnected with the institution.

8. Respondent No. 6- Dr.Bhausahab B. Chavan, who is the Deputy Director of Education, Nashik, has tendered an affidavit in reply from page 101, along with several documents, upto page 155. He has tendered an apology and has categorically stated that the impugned orders and the impugned notices issued by him, stand withdrawn, forthwith. He further submits that after noticing several orders passed by this Court, which have been referred to herein above, he has stopped entertaining the complaints filed by strangers or bystanders and would not entertain such complaints

anytime in future.

9. *We were contemplating suo moto action against Respondent No.6, since we find that though he was aware of our earlier orders referred to in the above paragraphs, for reasons best known to him, he has wholeheartedly entertained the applications of Respondent No.5 and has highhandedly issued an order to register an FIR against one senior member of the Management.*

10. *Respondent No.5 appears to be habituated to holding out threats of self immolation, before various Deputy Directors of Education. Some of such complaints are placed before us by Respondent No.6, along with his affidavit in reply. These threats are aimed at terrorising the Government Officials. In view of such circumstances, we permit Respondent No.6 to lodge police complaints against Respondent No.5, whenever he holds out a threat of self-immolation or any such precipitative action or threat of fasting, etc., more so, in the light of the judgment delivered by **this Court [Coram: Abhay S Oka (as His Lordship then was) and Sandeep K Shinde, JJ], on 12.12.2018, in Writ Petition no. 8987 of 2018 (Balasaheb Vitthalrao Tidke v/s The State and another), at the Principal seat.***

11. *The learned Advocate representing Respondent No.5, graciously submits that she has already advised Respondent No.5 to refrain from indulging in such acts, hereinafter.*

12. *Considering that Respondent No.6 has recalled the impugned orders, as well as, the order dated 05.7.2024, this Writ Petition is disposed off. Needless to state, the salary bills of the Petitioners, which are not generated or not accepted for ten months, shall be generated and acted upon, forthwith, by the concerned, for payment of arrears and regular monthly payments.”*

7. It is seen from the above reproduced portion of the order that in matters where complaints either lodged police complaints or hold out

threats of self immolation or indicate precipitative action or a threat of fasting, **this Court [Coram: Abhay S. Oka (as His Lordship then was) and Sandeep K. Shinde, JJ.] has dealt with the said issue in its judgment dated 12th December 2018 in Writ Petition No.8987 of 2018 (*Balasaheb Vitthalrao Tidke vs. The State & Anr.*) at the Principal Seat in Mumbai.** The bureaucracy was directed by the said Bench that no dictates would be issued on the basis of such complaints. We therefore recorded in paragraph 14, direction to the then Chief Secretary of the State of Maharashtra as well as the Principal Secretaries, General Administration Department and the School and College Education Department to issue strict directions to all the Educational Departments and Statutory Authorities to refrain from entertaining such complaints /applications /representations or threats, by unconnected people, keeping in view the Notification dated 3rd December 1958, Circular dated 26th December 2019 which was proceeded by a G.R. dated 14th October 2019 and now followed by a Government Circular dated 18th February 2025 directing authorities to refrain from entertaining complaints from strangers, bystanders or unconnected persons.

8. In these Petitions today, the grievance of the Petitioners, who are either teachers or Deputy Director of Education, etc. is as under:

(a) After this Court directed the State Authorities and

various departments to refrain from entertaining the complaints of the nature mentioned above, the so called leaders of associations/unions or political outfits, have started approaching the S.I.T. which was constituted by the Government Circular dated 7th August 2025. As a consequence, what such complainants could not directly achieve, has been achieved indirectly by filing complaints with the S.I.T. We are surprised by the conduct of the S.I.T. in entertaining such complaints of the nature adverted to herein above when we had issued a Mandamus not to entertain such complaints.

(b) Based on such complaints, such leaders of various unions or associations or parties have now started approaching the police stations and a complaint of the nature of irregular appointments is given the colour and flavour of a criminal act and we are informed that several police stations have started registering F.I.R. against authorities like Education Officer (Primary), Education Officer (Secondary), Superintendent of Pay & Accounts Unit and Deputy Directors of Education. These officers are now required to face criminal investigation.

(c) The State department is now issuing notices to teachers/employees and officers, with copies marked to the complainants. Chargesheets are framed and served on such Employees by giving copies to the complainants and the complainants are asked to participate in the Preliminary or Departmental enquiries, which are of a roving nature.

9. The learned Government Pleader has made a valiant attempt to impress upon us that the S.I.T. is only trying to take a feel of the complaints and if there is any strength in a complaint, the same is being looked into. We find that such approach of the S.I.T. is likely to be counterproductive in the future, for reasons more than one.

Firstly, teachers/employees and educationists who have settled down in employment for 15-20 or more years, are now subjected to roving inquires as to whether their appointments made a decade or two ago, were in accordance with the procedure applicable.

Secondly, these complainants who were prohibited by a Writ of Mandamus of this Court and authorities were commanded not to entertain such complaints which led the State Government to introduce a Government Circular dated 18th February 2025 under the orders of the High Court in *Nishant Gatkal* (supra), have now opted for a different

avenue of approaching the S.I.T., which is practically welcoming such complainants to lodge their complaints, which have virtually terrorized the employees by those who are unconnected with the educational system. Thirdly, some of the officers of the education department, after receiving complaints and making a roving inquiry, have passed orders either freezing the Shalarth ID of employees or cancelling their approvals. If the Shalarth ID is frozen, the employee cannot be paid salary through the salary grants extended by the Government.

10. The learned Government Pleader is justified in contending that if the State Exchequer is spending money from its coffers, which is the tax-payers' money, towards salary grants, such salary grants should not be paid to those persons who have played a fraud on the system and secured employment. However, the flip side or the pit fall to this is that those employees who have settled in employment for more than a decade or two and either are in their late 40s or nearing retirements, would now be subjected to roving inquiries on the basis of complaints filed by such strangers, who themselves have been away from the educational institution.

11. In the above backdrop, though we are yet to deal with the aspect of how can such inquiries be regulated, the imminent necessity at this hour is that freelancers/strangers lodging complaints with the S.I.T.,

needs to be prohibited forthwith. The S.I.T. cannot entertain such complaints by strangers which have been flooding the S.I.T. If at all there has to be an investigation into the appointments of employees by various organizations, the State will have to introduce an SOP to regulate such inquiries. Such inquiries cannot be at the behest of those whose only activity is to lodge complaints with ulterior or oblique motives. We, therefore, direct that the S.I.T. shall not entertain such complaints in the State of Maharashtra.

12. The learned Advocate for the Petitioners submits that in several matters, under orders of this Court, passed at the Principal Seat, Nagpur and Aurangabad Benches and the Kolhapur, Circuit Bench, the authorities have granted approvals and Shalarth IDs to several employees. He refers to a judgment delivered by this Court at Aurangabad in the matter of *Pramod Prabhakar Pokale vs. The State of Maharashtra*¹ wherein this Court has concluded that unless the department itself notices a fraud in a recruitment process, an approval granted cannot be withdrawn or cancelled merely because a new Education Officer has taken charge. So also, it is crystallized law that if an approval is intact, the Shalarth ID registration has to be given since it is purely a mode of making payments to the employees through the digital platform. If a candidate has an approval, the Shalarth ID registration has to be made.

¹ 2019 (3) Bom. C.R. 273

One such ID is allotted, the flow of salary through the digital platform commences.

13. He further submits that some of the Petitioners are those officers who complied with the orders of this Court and are now facing registration of First Information Reports in various police stations, only on the basis of complaints filed by strangers. He, therefore, prays that the State Government must initiate some steps to grant some protection to its own officers who are discharging duties by complying with the directions and orders of the High Court for granting approvals, Shalarth ID/release of salary. If such officers are required to face F.I.Rs. and registration of criminal offences in matters of purely civil nature, these officers are finding themselves in a precarious condition. They are becoming mentally disturbed and feel exasperated on account of such acts and the learned Advocate submits that this amounts to persecution.

14. In the backdrop of the above submissions, we would expect the learned Government Pleader to consult the senior officers of various departments connected with the education sector and take a call as to how this situation could be regulated since, according to the Petitioners, in some cases, the Station House Officer himself has become an Informant and has lodged F.I.R.. When we have prohibited action on the basis of complaints of strangers and when such issues are apparently of a Civil

nature, we are intrigued as to how an FIR under the CR.P.C. could be registered.

15. We, therefore, for the present, would suggest to the S.I.T. that if they really desire to carry out a cleansing exercise, let the S.I.T. be made more composite with the assistance of experts in the field of education by including an eminent educationist who has recently retired or is active in public life, for example, a person like Mr. Narendra Jadhav, or Dr Bhalchandra Mungekar, who are eminent Educationists and former Vice-Chancellors of the Mumbai University. In addition, any recently retired Presiding Officer of the University and College Tribunal, who have been formerly a judge of this Court, for example, like Shri Justice S. D. Kulkarni who has recently demitted office as the Presiding Officer of the College and University Tribunal of the Savitribai Phule, Pune University. There are many in the field of education who would be able to render assistance. Let the State Government think on these lines to make certain additions to the S.I.T.

16. For the present, we would also suggest to the S.I.T. that if they really desire to assess whether there have been any misdeeds or irregularities/illegalities in the process of appointments of the teaching and non-teaching employees, they will have to follow a particular pattern, by introducing a Standard Operating Practice (SOP) to be devised by the

S.I.T. so as to make assessments in every District of the State and in every institution of a district in the State of Maharashtra, rather than depending on strangers who may have their own hidden agenda or ulterior or oblique motives behind making such complaints. We would expect the State Government to ponder on these suggestions and address the Court on the progress made in this regard, on the next date.

17. We deem it appropriate to record our appreciation for the participation of the Chief Secretary of the State of Maharashtra Shri Rajesh Aggarwal, through out in this proceeding, via the video conferencing mode.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)

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