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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10054 OF 2017

Mr. Rahul Dashrath Ranmode

.. Petitioner

Vs.

The State of Maharashtra and ors.

.. Respondents

WITH
WRIT PETITION NO. 10254 OF 2017

Mr. Santosh Sambhaji Rakte

.. Petitioner

Vs.

The State of Maharashtra and ors.

.. Respondents

Mr. L. S. Deshmukh for petitioner in both the petitions.
Mr. O. M. Kulkarni, AAGP for State.

CORAM: NARESH H. PATIL &
Z. A. HAQ, JJ.

SEPTEMBER 19, 2017.

P.C.

1. Rule. Rule made returnable forthwith. Heard finally by
consent of the parties.

2. Petitioner - Rahul Dashrath Ranmode in Writ Petition No.

10054 of 2017 is working as Clerk and Petitioner - Santosh Sambhaji Rakte in Writ Petition No. 10254 of 2017 is working as Peon with the respondent no. 6 – Rangaon High School, Pune. It is submitted that their services were approved by the Education Officer. But by communication dated 31/7/2017, the Education Officer (Secondary), Pune District, cancelled / withdrew the approval granted earlier to the services of the petitioners. The learned counsel for the petitioners submits that the Education Officer was not empowered to cancel the approval granted by him earlier. It was submitted that Education Officer has no power to review his own order.

3. The learned AGP has placed before us a Government Resolution dated 23/8/2017 issued consequent to the order passed by this court in Writ Petition No. 10133 of 2016. The State is of the view that if an approval order was to be interfered with, then a Senior Officer than the one who approved the service would deal with the issue after hearing the parties in accordance with law.

4. We would not express any opinion as regards the issue as to whether Education Officer (Secondary) exercises power of review if an

order of approval granted earlier is to be modified/rectified/cancelled/withdrawn. It depends on the facts and circumstances of each case as to in what set of facts the approval was granted by the officer concerned. The issue assumes importance as in cases where the management is received grant-in-aid, public money is spent and even in cases where the school is running on no grant basis, then it becomes necessary to ascertain that a qualified person was appointed strictly by complying with the mandatory rules and regulations.

5. Turning to the facts of the present case, we find that it would be appropriate that the Deputy Director (Education), Pune Region takes up the matter, hears the parties and pass a brief reasoned order.

6. With this view, we quash and set aside the impugned orders dated 31/7/2017 passed by the respondent no.4. We direct the Deputy Director (Education), Pune Region to issue notices to the concerned parties, call for the record and decide as to whether the petitioners' services were rightly approved by the Education Officer (Secondary). This exercise shall be completed within eight weeks from today. The petitioners shall extend full cooperation to the Deputy Director (Education) in completing

the hearing process. In case the petitioners do not cooperate with the Deputy Director (Education) in finally deciding the issue, then we direct the Deputy Director (Education) to proceed on the available record and pass a brief reasoned order within the time stipulated as above.

7. Petitions are disposed of accordingly.
8. Registry is directed to forward a copy of this order to the Director / Deputy Director, Education, who would collect the necessary information in respect of such cases in the respective Districts under their jurisdiction and issue appropriate directions to the concerned officers.
9. The learned AGP to communicate this order to the Deputy Director (Education), Pune Region forthwith.
10. Parties to act on an authenticated copy of this order.

(Z. A. HAQ,J.)

(NARESH H. PATIL,J.)