

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO.2726 OF 2020**

Shubhangi Jayvant Patil

...Petitioner

vs.

The State of Maharashtra & Ors.

...Respondents

....

Mr. Chetan G. Patil, for the Petitioner.

Mr. K.S. Thorat, AGP, for State.

....

**CORAM: S.C. GUPTE &
MADHAV JAMDAR, JJ.****DATE : 20 OCTOBER, 2020.****PC:-**

. The subject matter of the present petition is rejection of the application for approval of the Petitioner's appointment as Shikshan Sevak in Respondent No.4 School. It is apparent from the impugned order that various objections raised in requisitions made in respect of the application for approval do not include the objections referred to in the impugned order passed on 24 January 2020. It is obvious that the Petitioner and the School have not been heard on these objections. When this was pointed out to learned AGP, this position could not be contested. Accordingly, we allow the writ petition by setting aside the rejection order passed on the application for approval of the Petitioner's appointment as Shikshan Sevak and direct the Education Officer (Secondary), Zilla Parishad, Kolhapur to treat the objections raised in the impugned order dated 24 January 2020 as requisitions made to the school and hear the Petitioner and the school on these objections after allowing them to send material and deal with the

objections raised. The impugned order dated 24 January 2020, to the extent it rejects the application for approval of appointment of the Petitioner as Shikshan Sevak, on the grounds of Item Nos. 1 to 6 stated therein, is quashed and set aside and Respondent No.2 Education Officer is directed to treat these six items as objections/requisitions and allow Respondent No.5 School and the Petitioner to show cause concerning these objections/requisitions and produce material in support of their case. The Petitioner and Respondent No.5 School are permitted to send a detailed reply supported by documents, if any, to the requisitions reflected in the order of 24 January 2020. Such reply to be filed within two weeks from today. After receipt of such reply, within a period of six weeks, the Education Officer shall consider the matter of approval to the appointment of the Petitioner as Shikshan Sevak and pass a speaking order. All rights and contentions on merits in that behalf are kept open. Needless to add that since the impugned order of 24 January 2020 is quashed and set aside, no steps shall be taken in pursuance thereof, so far as the Petitioner is concerned. The petition is disposed of.

2. This order will be digitally signed by the Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

(MADHAV JAMDAR, J.)

(S.C. GUPTE, J.)

Smita
Gonsalves

Digitally signed
by Smita
Gonsalves
Date: 2020.10.22
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