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

WRIT PETITION NO. 4394 OF 2021

Leena Prashant Thakur ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

**WITH
WRIT PETITION NO. 4401 OF 2021**

Seema Mangesh Gadamale alias Seema Anant
Thombare ... Petitioner
Versus
Shivajirao Bhosale Co-operative Bank Ltd. and Ors. ... Respondents

**WITH
WRIT PETITION NO. 4374 OF 2021**

Sunil Bhagwan Dighe ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

**WITH
WRIT PETITION NO. 4368 OF 2021**

Deepak Nathuram Phonde ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

**WITH
WRIT PETITION NO. 4375 OF 2021**

Bhagyashree Mayur Karkhanis alias
Bhagyashree Rajendra Pradhan ... Petitioner
Versus
The State of Maharashtra and Ors. ... Respondents

Mr. Avinash H. Fatangare for the Petitioners in all Writ Petitions.

Mr. N. C. Walimbe, AGP for the State in WP/4368/21.

Mr. N. K. Rajpurohit, AGP for the State in WP/4394/21.

Ms. Sushma S. Bhende, AGP for the State in WP/4375/21.

Mrs. P. N. Diwan, AGP for the State in WP/4401/21.

Mrs. P. J. Gavhane, AGP for the State in WP/4374/21.

Ms. Vishakha V. Pandit for the Respondent Nos. 3 and 4.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 24th NOVEMBER, 2021.

P.C. :-

. Rule. Learned AGP for the respondent nos. 1 and 2 waives service. Learned counsel for the respondent nos. 3 and 4 waives service. By consent of parties, all these petitions heard finally. Learned counsel for the parties jointly state that the facts are identical in all these matters and thus the order that would be passed in Writ Petition No. 4394 of 2021 would apply to the facts of the other petitions on board. Statement is accepted.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the order dated 9th July, 2021 rejecting the approval to the proposal of the petitioner to the post of Assistant Teacher submitted by the respondent no.4 on various grounds.

3. It is the case of the petitioner that if the respondent no.2 would have called for the documents by giving an opportunity to the

Management or to the petitioner or the Management could have produced such details and/or documents before passing of the impugned order by the Education Officer. In our view, the submission made by the learned counsel for the petitioner deserves acceptance.

4. Learned counsel for the respondent nos. 3 and 4 on instruction states that the respondent nos. 3 and 4 would submit a fresh proposal for seeking approval to the appointment of the petitioners with all the details and documents, taking into consideration the reasons recorded by the respondent no.2 while rejecting the proposal submitted by the Management. She also submits that the fresh proposal would be submitted within four weeks from today. Statement is accepted.

5. In view of the statement made by the learned counsel for the respondent nos. 3 and 4 and the submission made by the learned counsel for the petitioner, we quash and set aside the impugned order dated 9th July, 2021 passed by the respondent no.2 and direct the respondent no.2 to decide the fresh proposal that would be submitted by the respondent nos. 3 and 4 within eight weeks from the date of submission of the fresh proposal in accordance with the law and without being influenced by the observations made and conclusion drawn in the impugned order dated 9th July, 2021. The order that would be passed by the respondent no.2 shall be conveyed to the petitioner as well as to the Management within one week from the date of passing of such order. If the order that would be passed is adverse against the petitioner, the respondent no.2 as well as the Management shall not take any coercive steps against the petitioner for a period of

three weeks from the date of communication of the said order. If the approval is granted to the appointment of the petitioner, all consequential service benefits shall be granted by the Management to the petitioner.

6. Writ Petitions are allowed in aforesaid terms. Rule is made absolute accordingly. There shall be no order as to costs.

7. Parties to act on an authenticated copy of this order.

[ABHAY AHUJA, J.]

[R. D. DHANUKA, J.]