

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

WRIT PETITION NO.10385 OF 2019

Vikram Chandrakant Shinde .. Petitioner
Versus
The Education Officer (Secondary) Zilla
Parishad, Solapuar & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.10386 OF 2019***

Dattatray Shankar Mali .. Petitioner
Versus
The Education Officer (Secondary) Zilla
Parishad, Solapuar & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.10387 OF 2019***

Mukund Shrirang Navale .. Petitioner
Versus
The Education Officer (Secondary) Zilla
Parishad, Solapuar & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.10388 OF 2019***

Shivaji Daji Yedage .. Petitioner
Versus
The Education Officer (Secondary) Zilla
Parishad, Solapuar & Ors. .. Respondents

***ALONG WITH
WRIT PETITION NO.10389 OF 2019***

Mahesh Changdeo Godse .. Petitioner
Versus
The Education Officer (Secondary) Zilla
Parishad, Solapuar & Ors. .. Respondents

**ALONG WITH
WRIT PETITION NO.877 OF 2020**

Amol Maruti Jadhav

.. Petitioner

Versus

The Education Officer (Secondary) Zilla
Parishad, Solapur & Ors.

.. Respondents

Mr.I.M. Khairdi for the petitioners in all the petitions.

Mr.N.C. Walimbe, AGP a/w Mr.S.S. Bhende, AGP, Mrs.P.N.Diwan,
AGP, Mr.V.N. Mali, AGP, Mr.N.K. Rajpurohit, AGP for the respondent
nos.1 to 4-State in all petitions.

CORAM : R.D. DHANUKA

ABHAYAHUJA, JJ.

DATE : 17th November 2021

P.C.:-

. Heard Mr.Khairdi, learned counsel for the petitioners in these petitions and Mr.Walimbe, learned AGP for the respondent nos.1 to 4. Learned counsel for the petitioner states that the respondent nos.5 & 6 are supporting the petitioners in these petitions for granting individual approval to the appointment of these petitioners. Statement is accepted.

2. It is submitted by the learned counsel that out of 8 non-teaching employees who were selected, the Education Officer has already granted approval in respect of 2 such employees though all 8 employees were similarly situated. Statement made by the learned counsel is accepted.

3. A perusal of the impugned order indicates that the proposal was rejected on the ground that the management has not submitted

various documents or that the records and proceedings were not available. It is the case of the petitioners that the management tried to submit those documents but those documents were not allowed to be submitted by the Education Officer (Secondary). Statement is accepted.

4. We accordingly quash and set aside the impugned order dated 15th February 2019 which was a common order in all these petition and remand the proceedings back to the Education Officer (Secondary). The Education Officer (Secondary) shall consider the proposal submitted by the Management and also the documents. The documents to be furnished by the management within two weeks from the date of communication of this order.

5. Mr.Khairdi, learned counsel for the petitioners states that he will convey this order to the Management to comply with this order within two weeks from today. Statement is accepted. The Management is accordingly directed to submit such documents to the Education Officer (Secondary) as referred and more particularly the documents on which the impugned order came to be passed rejecting the approval in favour of the petitioners.

6. If the Management submits such documents within two weeks from the date of communication of this order, the Education Officer (Secondary) shall pass fresh order within four weeks thereafter without being influenced by the observations made and the conclusion drawn in the impugned order and on its own merit and in accordance with law.

7. The order that would be passed shall be communicated to the petitioners as well as the management within one week from the date of passing of such order. If the order is adverse against the petitioners, no coercive steps to be taken against the petitioners by the respondent nos.1 to 4 as well as the Management for a period of four weeks from the date of communication of such adverse order. If the order is in favour of the petitioners, the Education Officer (Secondary) shall grant all consequential benefits in favour of the petitioners within four weeks from the date of passing such order. Name of the petitioners to be entered in Shalath ID, if applicable, within four weeks from the date of the order if the same is in favour of the petitioners.

8. Writ petitions are accordingly disposed of. Parties to act on the authenticated copy of this order. No order as to costs.

ABHAY AHUJA, J.

R.D. DHANUKA, J.