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appointment of the petitioner in the post of Shikshan Sevak (Assistant Teacher-Probationary) at the respondent No.7-School, with effect from 28th June 2012.

3. Mr. Bhavake, learned counsel for the petitioner invited our attention to some of the exhibits annexed to this petition and also to the impugned order dated 15th June 2019 and would submit that the said proposal submitted by the Management was rejected on 17 grounds, out of which, maximum grounds relate to the non-supply of the information or documents by the Management. He submit that if the Education Officer before passing the impugned order would have called upon the Management to supply such information along with supporting documents, the Education Officer would not have passed an order rejecting the grant of approval to the individual appointment of the petitioner.

4. We have perused the affidavit-in-reply filed by the Education Officer. A perusal of the said affidavit-in-reply does not indicate that the Education Officer had called upon the Management or to the petitioner to furnish various informations and the documents required for the purpose of

deciding the said proposal submitted by the Management. The respondent No.5 - Education Officer ought to have called upon the Management to submit the requisite documents, in support of the said proposal submitted by the Management and after giving such opportunity, the Education Officer ought to have considered such information and documents before considering the proposal for approval of the appointment of the petitioner. If the Management would not have furnished such information or documents within a reasonable period, the Education Officer could have proceeded on the basis of the information supplied by the Management along with the proposal.

5. In the facts of this case, no such exercise was done by the Education Officer. The substantial part of the order rejecting the proposal for appointment of the petitioner is based on lack of factual information/ documents.

6. In our view, it will be appropriate if the impugned order is quashed and set aside and remanded before the Education Officer for considering the proposal submitted by the Management afresh in

accordance with law, after giving an opportunity to the Management to produce the requisite documents. The Education Officer shall point out the deficiencies in the proposal submitted by the Management and call upon the Management to submit additional information along with documents in support of such proposal. The Education Officer shall indicate such deficiencies in the proposal within three weeks from today, to the Management with a copy to be furnished to the petitioner. The Management in-turn will comply with such requisitions within two weeks thereafter, along with requisite documents. If any details and particulars are required to be submitted by the Management and by the petitioner, the petitioner also will co-operate with the Management to furnish such information/documents to the Education Officer.

7. It is made clear that if the Management does not submit the requisite information along with the documents within the time prescribed, the Education Officer shall decide the said proposal on the basis of the information and the documents made available on record by the Management, within four weeks from the date of the Management supplying such information along with documents. The Education Officer

shall pass a fresh order in accordance with law, without being influenced by the observations made in the impugned order dated 15th June 2019.

8. The order that would be passed by the Education Officer shall be communicated to the petitioner as well as to the Management, within one week from the date of passing of such order. If the said order is adverse against the petitioner, no coercive steps shall be taken against the petitioner, either by the Education Officer or by the Management for a period of three weeks from the date of communication of the said order. If the order is in favour of the petitioner and the approval is granted to the appointment of the petitioner, the Education Officer in that event shall grant all consequential benefits to the petitioner from the date of initial appointment, within four weeks from the date of the Deputy Director of Education entering the name of the petitioner in the Shalarth Pranali.

9. In that event, the Deputy Director of Education shall enter the name of the petitioner in Shalarth Pranali within two weeks from the date of granting approval to the appointment of the petitioner by the Education Officer.

10. Writ Petition is allowed in aforesaid terms. Rule is made absolute accordingly.

11. Parties to act on the authenticated copy of this order.

[R. N. LADDHA, J.]

[R. D. DHANUKA, J.]