

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 WRIT PETITION NO. 7564 OF 2022
WITH WP/7568/2022

SMT. AROTE PRAMILA D/O KASHINATH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Mr. Shelke Shivaji T.
AGP for Respondent Nos. 1 to 3 : Mr. P. K. Lakhotiya
Advocate for Respondent Nos. 4 to 6 : Mr. S. S. Wagh

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CORAM : RAVINDRA V. GHUGE AND
ARUN R. PEDNEKER, JJ.

DATED : 26 SEPTEMBER 2022

PER COURT :-

1. On 03.08.2022, we had passed the following order :

“1. In these matters, the similarly situated petitioners have put forth prayer clauses (B) and (C), which read as under :-

Prayer Clauses in Writ Petition No.7564/2022

(B) Quash & set aside the communication dt. 08.04.2022 at Exh. “D” of Dy. Director of Education, Pune addressed to Education Officer, Ahmednagar regarding rejection of proposal for inclusion of names of petitioners in Shalarth ID for monthly salary payments and for that purpose issue necessary writ or order.

(C) Direct the Dy. Director of Education, Pune to include the names of petitioners in Shalarth ID for monthly salary payments during the pendency of this petition.”

Prayer Clauses in Writ Petition No.7568/2022

(B) *Quash & set aside the communication dt. 08.04.2022 at Exh. F of Dy. Director of Education, Pune addressed to Education Officer, Ahmednagar regarding rejection of proposal for inclusion of names of petitioners in Shalarth ID for monthly salary payments and for that purpose issue necessary writ or order.*

(C) *Direct the Dy. Director of Education, Pune to include the names of petitioners in Shalarth ID for monthly salary payments during the pendency of this petition.”*

2. *The petitioners rely upon an order passed by this Court at the Principal Seat, dated 21/02/2022, in Writ Petition No.8966/2021, filed by Amol Baban Sangar Vs State of Maharashtra and others.*

3. *Issue notice to the respondents, returnable on 05/09/2022, in the urgent category. The learned A.G.P. waives service of notice on behalf of respondent Nos.1 to 3. Mr Wagh, the learned Advocate waives service of notice on behalf of respondent Nos.4 to 6 in Writ Petition No.7564/2022 and for respondent Nos.4 to 7 in Writ Petition No.7568/2022.*

4. *Let affidavits-in-reply be filed, at least one week prior to the returnable date in these matters.”*

2. We find from the impugned orders, and in the light of G.R. dated 10.06.2022, that the impugned orders dated 08.04.2022 in both the matters do not contain specific reasons. The grounds, on which the request for entering the names of the eligible candidates in the *shalarth pranali* was rejected, are not set out. In the first petition,

it is recorded that the deficiencies are not removed. In the second petition, even this is not said.

3. It is well settled that the reasons behind the acceptance or rejection of a claim or an issue, should emanate from the order itself. Reasons not assigned in the impugned order, cannot be brought on record through an affidavit-in-reply since it amounts to supplanting reasons.

4. In view of the above, these two petitions are partly allowed. Both the impugned orders dated 08.04.2022 are quashed and set aside.

5. We direct the Deputy Director of Education, Pune Region, Pune to consider the entire material available before him and pass reasoned orders on the proposals forwarded by the Education Officer.

6. We make it clear that we have not expressed any opinion on the merits of the proposals.

7. We expect such order to be passed after granting an opportunity of hearing to the management in both these cases in the

light of the Government Resolution dated 10.06.2022. Let the order be pronounced on or before 15.11.2022.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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