

JPP

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

WRIT PETITION NO. 1521 OF 2015

Mirza Rafiq Ahmed Asgar Beg

... Petitioner

V/s.

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

... Respondents

Ms. Mallika R. Pujari h/f. Sudama Kale and Tanaya Goswami for the
Petitioner

Mr. B.V. Samant, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
AMIT B. BORKAR, JJ.***

DATE : 3 JANUARY 2022

P.C. :-

The learned Counsel for the Petitioner undertakes to file
Vakalatnama within a period of two weeks from today.

2. Heard the learned Counsel for the parties.

3. The Petitioner is aggrieved by the order dated 12
December 2014 passed by the Respondent No.1 – Education Officer
returning the proposal submitted by the Respondent No.2 –

Educational Institute in respect of the approval of the Petitioner's pay scale. The impugned communication gives no reason whatsoever except to state that since approval cannot be given the same has been returned. It is not possible to discern as to why the Respondent No.1 returned the proposal. It is not possible for us to presume the reason and then decide the case on such presumption. The impugned order therefore cannot be sustained.

4. The order dated 12 December 2014 is quashed and set aside. The Respondent No.2 will resubmit the proposal to the Education Officer within a period of four weeks. Thereupon, the Education Officer will pass a reasoned order within a period of eight weeks thereafter and communicate the same to the Respondent No.2 and the Petitioner. The decision be taken as per law.

5. Needless to state that if the decision is adverse, the Petitioner is at liberty to take steps as per law.

AMIT B. BORKAR, J.

NITIN JAMDAR, J.

**JYOTI
PRAKASH
PAWAR**

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by JYOTI
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