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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1426 OF 2021

Dhanashree Shriram Deshmukh & Anr. .. Petitioners

v/s.

The State of Maharashtra & Ors. .. Respondents

....

Mr. Narendra V. Bandiwadekar, a/w. Mr. Vinayak Kumbhar, i/b. Mrs.
A.N. Bandiwadekar, for the Petitioners.

Mr. V.M. Mali, AGP, for State.

....

CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ.

DATE : 8 APRIL 2022

P.C:-

Heard learned Counsel for the Petitioners and learned
AGP.

2. Rule. Rule made returnable forthwith. Heard finally by
consent.

3. It appears that before passing the impugned order, the
Education Officer, who has passed the impugned order, did not give
any idea to the Petitioners, especially Petitioner No.2, that some

information was required by him, which was not supplied to him and some documents were required by him, which were not annexed to the proposal sent by Management and this was in spite of the fact that the Education Officer had held a hearing.

4. The impugned order shows that it has been passed only because there was some information lacking and some documents not made available to the Education Officer. These lacunae can be removed by the Petitioner, if they are granted further opportunity, which is also evident from the explanation given by the Management, which is at page 31.

5. In these circumstances, the impugned order cannot be upheld by us is illegal and valid and, therefore, it must be quashed and set aside.

6. The impugned order dated 23 September 2020 is hereby quashed and set aside. The matter is remanded back to Respondent No.2 for fresh consideration and decision in accordance with law. Respondent No.2 is directed to take his decision in accordance with law within a period of four weeks from the date of appearance of the Petitioners before him. The Petitioners shall appear before the Education Officer on 18 April 2022. The Petitioners are at liberty to supply additional information to the Education Officer and also place

before the Education Officer additional documents.

7. Rule is made absolute in the above terms. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)