

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.7204 OF 2021

Malini Sambhaji Bhosale
(After marriage Malini Dipak
Chavan)

... Petitioner

Vs.

The State of Maharashtra
And Ors.

... Respondents

Mr Prashant Bhavake, Advocate for petitioner.

Mrs S. S. Bhende, Assistant Government Pleader for
respondent Nos.1 to 5.

Mr Utkarsh S. Desai, Advocate for respondent Nos.6 and 7.

CORAM : A. S. CHANDURKAR AND G.A.SANAP, JJ.
DATED : APRIL 25, 2022

P.C.

Rule. Rule made returnable forthwith and heard
learned counsel for the parties.

Learned Assistant Government Pleader waives
notice for respondent Nos.1 to 5.

2. The challenge raised in this writ petition is to the
communication dated 31/10/2018 issued by the
Education Officer (Secondary), Zilla Parishad, Ratnagiri

by which the proposal dated 24/09/2018 that was submitted by the Head Master of the respondent No.7-School seeking approval to the appointment of the petitioner has been rejected. In that communication various deficiencies have been pointed out as a reason for refusing such proposal.

3. It is submitted by the learned counsel for the petitioner that for consideration of the proposal dated 24/09/2018 the Head Master on 29/10/2018 called upon the petitioner to remain present in the office of the Education Officer on 31/10/2018. The petitioner on remaining present was issued the order of rejection of that application. According to the learned counsel if such deficiencies would have been pointed out prior to the hearing, necessary steps for removal of the same would have been taken. However, for want of opportunity the deficiencies could not be removed and infact knowledge of the same was got only after receipt of the impugned communication.

4. The learned Assistant Government Pleader for the

respondent Nos.1 to 5 supported the impugned communication and submitted that after the deficiencies were removed the petitioner could renew the request for grant of approval to her appointment.

5. We find that the petitioner's proposal dated 24/09/2018 was taken upon for consideration and by giving notice of one day and the petitioner was merely asked to remain present in the office of the Education Officer. On 31/10/2018 the impugned communication rejecting the proposal came to be issued. It is obvious that if a prior notice would have been given to the petitioner indicating the deficiencies, the same could have been removed prior to the date fixed for hearing. No such opportunity has been given and the impugned communication has been issued.

5. In that view of the matter, the interests of justice would be served by passing the following order :

The impugned communication dated 31/10/2018 rejecting the proposal dated 24/09/2018 is set aside. The Education Officer (Secondary) is directed to

reconsider the aforesaid proposal by initially pointing out deficiencies, if any, in that proposal to the Head Master. An opportunity shall be given to the Head Master to remove such deficiencies and thereafter final decision on the proposal shall be taken. The necessary exercise shall be completed within a period of two months from today. In the event of approval being granted, necessary steps for including the name of the petitioner in the Shalarth Pranali be taken. All points on merits are kept open.

Rule is made absolute in aforesaid terms with no order as to costs.

(G.A.Sanap, J.)

(A. S. Chandurakr, J.)