



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

26 WRIT PETITION NO. 12240 OF 2022

1. Lohitwadi Shikshan Prasarak Mandal
Through It's President
2. Prashant Baban Lande.

Versus

The State Of Maharashtra Through Its Secretary And Others

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Advocate for the Petitioner : Mr. C.K. Shinde
AGP for Respondent 1,2 : Mr. S.K.Shirse
Advocate for Respondent no. 3 : Mr. T. C. Shinde

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CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.

Dated : March 04, 2024

PER COURT :-

1. Present Writ Petition has been filed for following reliefs :-

“B. By issue of writ of certiorari or any other appropriate writ, order or direction in the like nature, the impugned communication dated 19.8.2022 (Exh-I), issued by the respondent no.2-Education Officer (Sec.), Z.P, Ahmednagar, may kindly be quashed and set aside.

C. By issue of writ of mandamus or any other appropriate writ, order or direction in the like nature, the respondent no.2 may kindly be directed to grant approval to the appointment of the Petitioner no.2 as a Junior Clerk in the respondent no.3 Secondary School within the stipulated period.”

2. Matter was substantially heard on last date, however, a communication was placed dated 23.2.2024 by the learned A.G.P. It was addressed to him by the Education

Officer, Secondary, Zilla Parishad, Ahmednagar. It had a reference that he had issued another letter to the Management on 22.2.2024 pointing out defects and asking them to comply those defects within a period of four weeks. Thereupon, the petitioner was allowed to produce certain documents. Those documents have been produced alongwith the additional affidavit. Now, said communication dated 22.2.2024 is before us. It appears that apart from certain earlier reasons for rejection, in all eight defects have been pointed out. Further, said communication to the Management states that four weeks time is granted for removal of those defects and then decision would be taken. Said communication thus indicates that the concerned Authority is still giving an opportunity to the Management to cure the defects. It is say of the petitioner that, the petitioner can remove those defects and now the Management has given letter on 28.2.2024 to the Education Officer, Secondary alongwith the documents. Therefore, when the Competent Authority wants to consider the proposal afresh, we are of the opinion that an opportunity needs to be given. Hence, following order is passed.

ORDER

- i. Writ Petition stands partly allowed.
- ii. The impugned communication dated 19.8.2022 issued by the respondent no.2 is hereby quashed and set aside.
- iii. In view of the opportunity granted by respondent no.2 by communication dated

22.2.2024, respondent no.2 to give proper hearing and chance to the present Petitioners to cure the defects pointed out as per communication dated 22.2.2024.

iv. Respondent no.2 to consider the reply by the Management dated 28.2.2024 alongwith the documents.

v. The Respondent No.2 to give an opportunity of hearing to the Management as well as to the Petitioners.

vi. The Petitioners may appear before the Respondent No.2 on 11th March, 2024. Thereafter, reasonable opportunity be given by the respondent no.2 to the Petitioners. Thereafter, respondent no.2 to take decision on merits within a period of four weeks (4) from 11th March, 2024.

vii. Decision so taken be communicated to the Petitioners.

(S. G. CHAPALGAONKAR, J.) (SMT. VIBHA KANKANWADI, J.)

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aaa/-