

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13076 OF 2023

Shri. Anand Vitthal Kadam and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Dinesh Bhosale, for Petitioners.

Ms. R.A. Salunkhe, AGP for Respondent/State.

CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 26 JUNE 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1- Employee working with Petitioner No. 3- Junior College run by Petitioner No. 2 Education Institute are jointly challenging the order dated 2 December 2022 passed by Respondent No. 2 / Deputy Director of Education, Pune Division, Pune. By said impugned order, the approval for appointment of Petitioner No. 1 on aided post of full time teacher is rejected.

3. Perused the impugned order. Impugned order is passed without any show cause notice. Had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

4. It has resulted in a situation where factual inquiry about the grounds of rejection are required to be done first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 2 December 2022 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 1's proposal, which stands restored. If there are any other grounds on which the Respondent Education Authority intends to return or reject the proposal, he is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

6. The Petitioners shall thereafter submit their explanation to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. The Respondent Education Authority is directed to decide the proposal of Petitioner No. 1 thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institute as also dealing with case laws /orders of this Court, by passing a reasoned order, subject to other time bound directions. The order will be passed keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of *Judgment dated 16 April 2024* in the matter of *Nitin B. Tadge Vs. State of Maharashtra in Writ Petition No. 204 of 2019* and other companion petitions.

7. We have not expressed any opinion on the Petitioners' proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Education Authority proceeds to grant proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. The writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)