



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

(53) WRIT PETITION NO. 4536 OF 2023

Kodoli Vibhag Shikshan Sangh & Ors.

....Petitioner

V/s

The State Of Maharashtra And Ors

....Respondents

AND

(54) WRIT PETITION NO. 4545 OF 2023

Kodoli Vibhag Shikshan Sangh & Ors.

....Petitioner

V/s

The State Of Maharashtra And Ors

....Respondents

AND

(55) WRIT PETITION NO. 4978 OF 2023

Kodoli Vibhag Shikshan Sangh & Ors.

....Petitioner

V/s

The State Of Maharashtra And Ors

....Respondents

AND

(56) WRIT PETITION NO. 5045 OF 2023

Kodoli Vibhag Shikshan Sangh & Ors.

....Petitioner

V/s

The State Of Maharashtra And Ors

....Respondents

Mr. Prashant Bhavake for the Petitioners in all the Writ Petitions

Ms Ashwini A. Purav, AGP for the Respondent Nos. 1 to 5 in
WP/4536/2023 and WP/4545/2023

Mr. K. S. Thorat, 'B' Panel Advocate for the Respondent-State in
WP/4978/2023

Mr. V. M. Mali, AGP for the Respondent Nos 1 to 5-State in
WP/5045/2023

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

DATED : 8 AUGUST 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 is common Education Institute running Petitioner No. 2 High School/Junior College and Petitioner No. 3 are employees. They are jointly challenging the Orders dated 15 November 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur, who is common in all petitions.

3. By impugned Order in Writ Petition No. 4536 of 2023, the approval for appointment of Petitioner No. 3 (Dhairyashil Ashokrao Patil) as Laboratory Assistant is rejected. By impugned Order in Writ Petition No. 4545 of 2023, the approval for appointment of Petitioner No. 3 (Abhishek Bajirao Chougale) as Junior Clerk is rejected. By impugned Order in Writ Petition No. 4978 of 2023, the approval for appointment of Petitioner No. 3 (Ajit Pandurang Patil) as Shikshan Sevak is rejected. By impugned Order in Writ Petition No. 5045 of 2023, the approval for appointment of Petitioner No. 3 (Sandeep Pandurang Suryavanshi) as Junior Clerk is rejected.

4. Perused the impugned Orders, which are admittedly passed without any show cause notice to the Petitioners. Had an opportunity

been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal. It has resulted in a situation where 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 these petitions by directing that the impugned orders dated 15 November 2022 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 3's proposal, which stand restored. Reply-affidavits filed on behalf of Respondent No. 5 Education Officer which are nothing but reiteration of reasons in impugned orders, be treated as *prima facie* opinion. If there are any other grounds on which the Respondent Education Officer 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 its 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 Officer is directed to decide the proposal of Petitioner No. 3 thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institute as also dealing with case law/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' proposals and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Education Officer proceeds to grant proposals as prayed, consequent benefits and orders will follow.

8. The writ petitions are disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)