

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5011 OF 2023

Pradnyavant Vikram Kamble

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, School Education and Sports
Department, Mantralaya, Mumbai And Ors.

...Respondents

WITH
WRIT PETITION NO. 5013 OF 2023

Rahuldev Atmaram Kamble

...Petitioner

Versus

The State Of Maharashtra Through The
Secretary, School Education and Sports
Department, Mantralaya, Mumbai And Ors.

...Respondents

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Mr. Sushant A. Khatake i/b. Mr. Prashant Bhavake, Advocate for
Petitioner in both Petitions.

Ms. R.A. Salunkhe, AGP for Respondent Nos.1 to 5 in
WP/5011/2023.

Mr. M.M. Mali, AGP for Respondent Nos.1 to 5 in
WP/5013/2023.

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

DATE : 15 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioners working as Peons with common Respondent No. 7

School run by common Respondent No. 6 Management, are challenging impugned Orders date 20 October 2022 passed by same Respondent No. 5 -Education Officer, Zilla Parishad, Kolhapur, by which approval to their appointments as peons are rejected. Learned counsel for the Petitioners states on instructions that Respondent Nos. 6 & 7 are supporting the cause of the Petitioners till today. We proceed on the basis of said statement.

3. It is submitted that if opportunity was given or notice was issued informing objections or proposed grounds for rejection before passing the impugned Orders, the Petitioners and the Respondent Management would have certainly given explanation about such grounds.

4. This is yet another matter, leading to unnecessary litigation which takes precious judicial time of this Court because an 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 20 October 2022 shall be treated as notices to the Respondent Educational Institute of the proposed grounds of rejection. The Petitioners' proposals stand restored. If there are any other grounds on which the Education Officer intends to reject the proposals, he is directed to communicate the same to the Respondent Educational Institute within a period

of 3 weeks from today, which shall thereafter submit its explanation to the proposed grounds of rejection, along with supporting material and case laws / GRs / Orders of this Court, if relied upon.

6. Thereafter, the Respondent Education Officer is directed to decide the Petitioners' proposals, by dealing with the explanation given by the Educational Institute as also dealing with case law/orders of this Court, by passing a reasoned orders, within a period of 8 weeks, subject to other time bound directions.

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 approvals, the aforesaid procedure/directions will not apply.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)