

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11127 OF 2022

Kabnur Education Society, Kabnur
High School, Kolhapur Through its President/
Secretary ...Petitioner

Versus

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

WRIT PETITION NO. 11134 OF 2022

Kabnur Education Society, Kabnur
High School, Kolhapur Through its President/
Secretary ...Petitioner

Versus

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

WRIT PETITION NO. 11137 OF 2022

Kabnur Education Society, Kabnur
High School, Kolhapur Through its President/
Secretary ...Petitioner

Versus

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

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Mr. Prashant Bhavake, Advocate for Petitioner.

Ms. R.A. Salunkhe, AGP for Respondent Nos.1 to 3/State in WP/11127/2022 & WP/11137/2022.

Mr.S.B. Kalel, AGP for Respondent Nos.1 to 3/State in WP/11134/2022.

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

DATE : 15 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Management, Petitioner No. 2 School and Petitioner No. 3 / Shikshan Sevak are jointly challenging the Orders dt. 14 March 2019 passed by Respondent No. 5 / Education Officer, Zilla Parishad, Kolhapur. By said impugned Order, the approval for appointment of the Petitioner No. 3 is refused.

3. It is submitted that, since the Respondent Education Officer was not taking decision on approvals, the Petitioners were required to file writ petitions in this Court and after orders of this Court, ultimately approvals are rejected by impugned Orders. It is submitted that had an opportunity been given, the Petitioners would have given appropriate and necessary explanations to all the reasons stated in the impugned Orders for rejection.

4. This is yet another matter, where Education Officer has

unilaterally rejected the proposals, without informing objections or grounds of rejection. This is leading to unnecessary litigation taking 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 14 March 2019 passed by Respondent Education Officer in respect of Petitioners approval, shall be treated as notices to the Educational Institute of the proposed grounds of rejection. The Petitioners' proposal stands 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 Educational Institute within a period of 3 weeks from today.

6. The Educational Institute 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. The Respondent Education Officer is directed to decide the proposal thereafter, by dealing with the explanation given by the Educational Institute as also dealing with case laws/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' proposal 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 petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)