

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

WRIT PETITION NO. 3868 OF 2022

Shri Ramesh Maruti Hale

... Petitioner

v/s.

The State of Maharashtra, through the
Secretary, School Education & Sports Dept. & Ors. ... Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms Utkarsh Desai for the Respondent No. 7

Mr. V. M. Mali, AGP for the Respondent-State

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

DATED : 29 FEBRUARY, 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/ Assistant Teacher working with Respondent No. 7 School run by Respondent No. 6 Management, is challenging the Order dated 18 January 2019 passed by Respondent No. 5 / Education Officer (Primary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for Petitioner's appointment is rejected. Learned counsel for Respondent No. 7 states that it is supporting the cause of the Petitioner.

3. It is submitted that this is one more round of petition required

to be adopted by the Petitioner, since earlier also, the authority was directed to consider the Petitioner's proposal. It is submitted that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for rejection.

4. Perused the impugned Order. 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 this petition by directing that the impugned order dated 18 January 2019 will be treated as notice to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioner's proposal. The Petitioner's proposal stands restored. 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 Respondent/Educational Institute within a period of 3 weeks from today.

6. The Respondent Educational Institute 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 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.

7. We have not expressed any opinion on the Petitioner's 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 Petitioner's 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.)