

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

WRIT PETITION NO. 3569 OF 2023

Bhairavnath Shikshan Prasarak Mandal ...Petitioners
Thr Its President And Ors.

Versus

The State Of Maharashtra Thr The ...Respondents
Secretary And Ors.

**WITH
WRIT PETITION NO. 5009 OF 2023**

Shri. Laxmi Shikshan Prasarak Mandal
Thr. President And Ors. ...Petitioners

Versus

State Of Maharashtra Thr. the
Secretary School Education And Sports
Dept. And Ors. ...Respondents

Mr. Prashant Bhavake for the Petitioners.
Mr. V.M. Mali, AGP for the Respondent/State.

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

DATE : 11 JANUARY 2024

P.C.:

. Heard learned counsel for the parties. The table showing necessary details for passing common order, are as below.

Writ Petition No.	Name of the Petitioner	Workin g as	Impugned Order dated	Passed by Respondent Authority
3569/2023	Bhairavnath Shikshan Prasarak Mandal & Ors	Junior Clerk	29.09.2021	Resp. No. 4 Dy. Director of Education, Kolhapur Region, Kolhapur
5009/2023	Shri Laxmi Shikshan Prasarak Mandal & Ors	Asst. Teacher	05.12.2022	Resp. No. 4 Dy. Director of Education, Kolhapur Region, Kolhapur

2. Petitioner Nos. 1 Managements, Petitioner Nos. 2 Schools and Petitioner Nos. 3 Employees (Mahesh Sarjerao Patil in WP/3569/2023 and Sagar Pandurang Dongale in WP/5009/2023) are jointly challenging aforesaid impugned Orders passed by respective Respondent Authorities, under which proposal for entering names of Petitioner No. 3 in *Shalarth ID* have been rejected.

3. It is submitted that, had an opportunity been given, the Petitioners would have given appropriate and necessary explanation about reason of rejection.

4. This method adopted by Education Officer of directly rejecting

the proposals, without informing proposed grounds of rejection, is giving rise 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 aforesaid impugned orders will be treated as notices to the respective Educational Institutes of the proposed ground/s of rejection. The Petitioners' proposals stand restored. If there are any other grounds on which the respective Respondent Authorities intend to reject the proposals, they are directed to communicate the same to the respective Educational Institutes, within a period of 3 weeks from today.

6. The respective Educational Institutes shall thereafter submit their explanation to the proposed grounds of rejection, along with supporting material and case laws / orders of this Court, if relied upon. The respective Respondent Authorities are directed to decide the proposal thereafter within a period of 8 weeks, by dealing with the explanation/s given by the Educational Institutes as also dealing with case laws/orders of this Court, by passing a reasoned order, 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 concerned

Respondent Authorities proceed to grant proposal for Shalarth IDs, the aforesaid procedure/directions will not apply. The contention of the Petitioners that once approval is granted, Shalarth ID cannot be rejected, is kept open.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)