

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7606 OF 2024

Shikshan Prasarak Mandal, Sarawade and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Prashant Bhavake for the Petitioners.

Mr. Vikas Mali, AGP for the Respondent/State.

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

DATE : 28 JUNE 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner No. 3/employee (Ananda Yashvant Patil) working with Petitioner No. 1/Education Institute in Petitioner No. 2/Junior College are jointly challenging the order dated 3 October 2023 passed by Respondent No. 4 / Deputy Director of Education, Kolhapur region. Kolhapur. By the said impugned order, the approval for appointment of Petitioner No. 3 as *Shikshan Sevak* is rejected.

3. Perused the impugned order, which is passed without any show

cause notice to the Petitioners and had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

4. It has resulted in a situation where factual 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 3 October 2023 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 3's proposal, which stands restored. If there are any other grounds on which the Respondent Education Authority 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 Authority 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' proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Education Authority proceeds to grant 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. No costs.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)