

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12540 OF 2024

Ichalkaranji Education Society And Ors. ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Prashant Bhavake, for Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos. 1 to 5.

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

DATE : 20 SEPTEMBER 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 3 (Kiran Maruti Karale) Employee working with Petitioner No. 2 High School & Junior College run by Petitioner No. 1 Education Institute are jointly challenging the order dated 16 December 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By the said impugned order, approval to appointment of Petitioner No. 3 as Peon is rejected.

3. Perused the impugned order which is admittedly passed without issuing show cause or hearing the Petitioners. It has resulted in a situation where inquiry about the factual grounds of rejection are required to be done first time in this Court. Had an opportunity been

given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

4. In that view of the matter, we dispose of this petition by directing that the impugned order dated 16 December 2022 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 Officer intends to return or reject the proposal, he/she is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

5. The Petitioners shall thereafter submit their explanation to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon.

6. Thereafter within a period of 8 weeks, subject to other time bound directions, the Respondent Education Officer is directed to decide the Petitioner No. 3's proposal 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. The order will be passed keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of the judgment in the matter of *Nitin B. Tadge Vs. State of Maharashtra*¹.

¹ 2024 SCC OnLine Bom 1116

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 proposal as prayed, consequent benefits and orders will follow.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)