

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 570 OF 2024

YUGANDHARA
SHARAD
PATIL

Smt. Sarika Udayraj Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Prashant Bhavake for the Petitioner.

Ms. Neha Bhinde, 'B' Panel counsel for Respondent Nos. 1 to 5-
State.

.....

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

DATE : 16 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as teacher with Respondent No. 6 Junior College run by Respondent No. 5 Management, is challenging the Order dt. 29 June 2022 passed by Respondent No. 4 - Deputy Director of Education, Kolhapur Region, Kolhapur. By said impugned Order, the individual approval for appointment of the Petitioner as Shikshan Sevak is refused. Learned counsel for the Petitioner states on instructions, that Respondent Nos. 5 & 6 are supporting the cause of the Petitioner

till today. We proceed on the basis of said statement.

3. It is urged that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation to reason of rejection.

4. This is yet another case, requiring an inquiry about the grounds of rejection, to be done first time in this Court. This is because the Respondent Education Officer has passed order without indicating in advance its grounds of rejection. Matters like these, large in number, are taking Court's time.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 29 June 2022 will be treated as notice to Respondent / Educational Institute of the proposed grounds of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Education Officer intends to 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 of rejection, along with supporting material, 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 decides to grant proposal as prayed and to issue Shalarth ID, 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.)