

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8229 OF 2022

Shri. Annasaheb Indrajit Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 8230 OF 2022

Shri. Sourabh Vishwas Chavan

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Satyajee Rajeshirke for the Petitioner.

Mr. V.M. Mali, AGP for the Respondents/State.

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

DATE : 17 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioners/Employees, working as junior clerks in a Respondent No. 6 school run by Respondent No. 5 Management in both petitions, are challenging the order dated 22 March 2022 in Writ Petition No. 8229 of 2022 and order dated 8 November 2021 in Writ Petition No. 8230 of 2022 passed by the Respondent No. 2 /

Deputy Director of Education, Kolhapur Region, Kolhapur. By said impugned Orders, the approval for entering Petitioners' names in Shalarth ID / system is refused. Learned counsel for the Petitioners' states on instructions that respective Respondent Managements are supporting the cause of the Petitioners' till today. We proceed on the basis of the said statements.

3. Learned counsel for the Petitioners relied upon order of this Court dated 21 February 2022 passed in Writ Petition No. 8966 of 2021 in support of his case. It is urged that had an opportunity been given, the Petitioners and respective Respondent Managements would have given appropriate and necessary explanations to reasons of rejection.

4. Since the Education Officer has directly rejected the proposal without informing proposed grounds of rejection, an inquiry about the grounds of rejection is 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 impugned orders dated 22 March 2022 in Writ Petition No. 8229 of 2022 and 8 November 2021 in Writ Petition No. 8230 of 2022 shall be treated as notices to respective Respondent Managements of the proposed grounds of rejection. The Petitioners' proposals stand restored. If there are any other grounds on which the Deputy Director of Education intends to reject the

proposals, he is directed to communicate the same to the respective Respondent Management within a period of 3 weeks from today.

6. The Respondent Managements shall thereafter submit their explanation to the proposed grounds of rejection, along with supporting material including government resolutions, case laws such as referred above and other supporting orders of this Court, if relied upon. Subject to other time bound directions, the Respondent / Deputy Director of Education is directed to decide the proposals thereafter within a period of 8 weeks, by dealing with the explanation given by the Respondent Managements as also dealing with case laws / orders of this Court, by passing a reasoned orders. If it is found that frivolous distinctions are made by the Respondent Authority about case of the Petitioners vis-a-vis case law relied upon, then necessary consequences will follow.

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 Respondent / Deputy Director of Education proceeds to grant Shalarth ID as sought, the aforesaid procedure/directions will not apply.

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

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)