

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR. NO. 36) WRIT PETITION NO. 8204 OF 2022

Ms. Shital Shivajirao Salunkhe	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

(SR. NO.42) WRIT PETITION NO. 11088 OF 2022

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Kuwar Pankaj Arun	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

(SR. NO. 66) WRIT PETITION NO. 3596 OF 2024

Shri. Dattu Shivaji Bamane	...Petitioner
Versus	
The State of Maharashtra and Ors.	...Respondents

Writ Petition No. 8204/2022

Mr. S.A. Rajeshirke for the Petitioner.
Mr. A.A. Purav, AGP for Respondent Nos. 1 to 3.
Mr. Shrishail Sakhare for Respondent Nos. 4 and 5.

Writ Petition No. 11088/2022

Mr. Rahul Kadam for the Petitioner.
Ms. Nisha Mehra, AGP for Respondent Nos. 1 and 2.
Mr. N.P. Shimpi for Respondent Nos. 3 and 4.

Writ Petition No. 3596/2024

Mr. Prashant Bhavake for the Petitioner.
Mr. V.M. Mali, AGP for the Respondent Nos. 1 to 4/State.
Mr. Sushant Khatake i/b Utkarsh Desai for Respondent Nos. 5 & 6.

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

DATE : 1 APRIL 2024

P.C. :

. Heard learned counsel for the parties. These petitions involve common argument about impugned orders and hence being disposed off by common order. Necessary details for passing common order are as below.

WP No.	Petitioner	Respondent Management / School	Proposal for approval to	Impugned Order dated	Impugned Order passed by
8204/22	Shital Shivajirao Salunkhe	4. Ajinkyatara Shikshab Sanstha, Satara 5. Ajinkyatara Madhyamik Vidyamandir, Satara	Appointment from Part time to full time teacher	20.12.2021	Respondent No. 3 Education Officer (Secondary) Zilla Parishad, Satara
11088/22	Kuwar Pankaj Arun	3. Dnyanprasad Shikshan Sanstha 4. Airoli Higher Secondary School	Transfer from unaided to aided post	28.06.2022	Respondent No. 2 Education Officer (Secondary), Zilla Parishad, Thane
3596/24	Dattu Shivaji Bamane	5. Khedut Shikshan Mandal, Kolhapur 6. Saraswati Vidyalaya and Junior College, Kolhapur	Appointment as Shikshan Sevak	11.10.2022	Respondent No. 4 Deputy Director of Education, Kolhapur Region, Kolhapur

2. Petitioners/ employees working with respective Respondent Managements / Schools, are challenging the aforesaid respective impugned Orders under which, their respective proposals are rejected by the respective Respondent Education Officers. Learned counsel for the respective Respondent Managements state that there is no internal dispute in the respective Respondent Managements and they are supporting the cause of the respective Petitioners.

3. It is submitted that the impugned orders are passed without any show cause notice and had an opportunity been given, the Petitioners / Respondent Managements would have given appropriate and necessary explanation to reasons stated in impugned orders for rejecting proposals.

4. Perused the impugned Orders. They have resulted in a situation where 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 respective impugned orders will be treated as notices to respective Respondent Educational Institutes of the proposed ground/s for rejection of Petitioners' proposals, which stand restored. If there are any other grounds on which the respective Respondent Education Officers intend to return or reject the proposals, they are directed to communicate the same to the respective Respondent/Educational Institutes within a period of 3

weeks from today.

6. The respective Respondent Educational Institutes 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. The respective Respondent Education Officers are directed to decide the respective Petitioners' proposals thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institutes as also dealing with case law/orders of this Court, by passing reasoned orders, 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 respective Respondent Education Officers proceed to grant proposals as prayed, consequent benefits and orders will follow, and in that case, 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.)