

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9011 OF 2021

Ramdas Madhukar Kamble

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms. Ashwini Purav, AGP for Respondent Nos. 1 to 5/State.

Mr. Sushant K. i/b Utkarsh Desai for Respondent Nos. 6 & 7.

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

DATE : 5 SEPTEMBER 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner/ employee working with Respondent No. 7 High School run by Respondent No. 6 Educational Institute, is challenging the order dated 15 April 2019 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned order, the approval for Petitioner's appointment as Laboratory Attendant is rejected. Learned counsel for the Respondent Nos. 6 & 7 states that there is no internal dispute in the Management and they are supporting the cause of the Petitioner.

3. Perused the impugned order which is admittedly passed by simply listing the shortfalls, but without giving any opportunity to the Respondent Management to explain. Had an opportunity been given, the Petitioner / Respondent Management would have given appropriate and necessary explanation/s about shortfalls stated in the impugned order for rejecting proposal. This has resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court.

4. In that view of the matter, we dispose of this petition by directing that the impugned order dated 15 April 2019 will be treated as notice to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioner's proposal, which stands restored. Reply affidavit filed on behalf of Respondent No. 3 Director of Education will be treated as only *prima facie* opinion. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

5. The Respondent Educational Institute 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 Officer is directed to decide the Petitioner's 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. 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.

6. 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 proceeds to grant proposal as prayed, consequent benefits and orders will follow.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

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