

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR. NO. 10) WRIT PETITION NO. 11798 OF 2024

The Kagal Education Society Kagal Through ...Petitioners
Its President And Ors.

Versus

The State of Maharashtra and Ors. ...Respondents

AND

(SR. NO.11) WRIT PETITION NO. 11799 OF 2024

SNEHA
NITIN
CHAVAN

The Kagal Education Society Kagal And Ors ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

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by SNEHA
NITIN CHAVAN
Date: 2024.08.26
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Mr. Utkarsh Desai i/b Prashant Bhavake for the Petitioners.

Mr. M.M. Pabale, AGP for Respondent Nos. 1 to 5/State.

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

DATE : 26 AUGUST 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner No. 1 Education Institute, Petitioner No. 2 High School and Petitioner No. 3 employee (Yogesh Balu Ghaste in W. P. No. 11798/2024 and Vaishali Kacheshwar Chavan in W.P.No. 11799/2024) are jointly challenging the Orders dated 12 September

2023 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Orders, the approval for appointment of respective Petitioner No. 3 (as Laboratory Assistant in W.P.No. 11798/2024 and as Junior Clerk in W.P.No. 11799/2024) are rejected.

3. Perused the impugned Orders, which are admittedly passed without any show cause notice or hearing to Petitioners. Had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned orders for rejecting proposals. It 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 orders dated 12 September 2023 will be treated as notices to Petitioners of the proposed ground/s for rejection of respective Petitioner No. 3's proposals, which stand restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposals, he is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

5. The Petitioners shall thereafter submit its explanation to the proposed grounds, along with supporting material including government resolutions and case laws etc. if relied upon. The

Respondent Education Officer is directed to decide the proposals of respective Petitioner No. 3 thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institute as also dealing with case law, by passing reasoned orders, subject to other time bound directions. The orders 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 Petitioners' proposals and the same shall be decided on their own merits in accordance with law. Needless to mention that if the Respondent Education Officer proceeds to grant proposals as prayed, consequent benefits and orders will follow.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

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