

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16152 OF 2023

Havesh Ramchandra Desai

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

.....

Mr. Prashant Bhavake, Advocate for Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1 to 5.

.....

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

DATE : 5 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2 The Petitioner has challenged the order passed by the Respondent – Education Officer dated 1 August 2022 rejecting the proposal for the appointment of the Petitioner for the post of Peon. The learned counsel for the Petitioner states that though Educational Institute who has submitted the proposal is not a co-Petitioner but Respondent Nos. 6 and 7, they are supporting the Petitioner's cause. We proceed on the statement made by the learned counsel.

3. The learned counsel for the Petitioner submits that there are explanations for the grounds stated in the impugned order, and had

opportunity been given to the Respondent - Educational Institute it would have placed necessary explanation before Education Officer. Such orders, without giving an opportunity, give rise to unnecessary litigation in the Court.

4. In these circumstances, we direct that the impugned order rejecting the proposal shall be treated as a notice to the Respondent - Educational Institute conveying *prima facie* opinion/grounds of the Authority. If the Authority has any other ground / objections for approval, the same be communicated to the Respondent Educational Institute within a period of 3 weeks. Thereafter, we grant liberty to the Respondent - Education Institute to furnish explanations/reply to all grounds/objections. It is open to the Respondent - Education Institute to rely upon decision/s of this Court. If they are submitted, the Education Officer to deal with the same. After explanation so submitted by the Respondent - Education Institute, Education Officer will take necessary decision by passing reasoned order, within a period of eight weeks, subject to earlier time bound commitment.

5. Needless to say, in case the Education Officer decides to grant approval, then it will take further consequential steps including the entry into the Shalarth ID as per governing rules and regulations.

6. Writ Petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)