

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 11492 OF 2022

Sane Guruji Shikshan Prasarak Mandal,
Talashi, Kolhapur and Ors.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Prashant Bhavake, for the Petitioners.

Mr.M.M. Pabale, AGP for Respondent Nos. 1 and 2.

.....

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

DATE : 18 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Management, Petitioner No. 2 – School and Petitioner No. 3 Employee are jointly challenging the Order dated 6 October 2021 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, proposal seeking individual approval to appointment of Petitioner No. 3 on the post of Peon is rejected.

3. It is submitted that, had an opportunity been given, the

Petitioners would have given appropriate and necessary explanations to reasons of rejection.

4. Education Officer has directly rejected the proposal, without informing proposed grounds of rejection. This has resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court. Such matters are taking time of this Court again and again.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 6 October 2021 will be treated as notice to Petitioner Educational Institute of the proposed grounds of rejection. The Petitioners' proposal stand restored. If there are any other grounds on which the Education Officer intends to reject the proposal, he is directed to communicate the same to the Petitioner Educational Institute within a period of 3 weeks from today.

6. The Educational Institute shall thereafter submit its explanation to the proposed grounds of rejection, 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 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.

7. We have not expressed any opinion on the Petitioners' proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent/Education Officer decides to grant proposal as sought and/or to issue Shalarth ID, the aforesaid procedure/directions will not apply.

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

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)