

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12129 OF 2023

1. Komal Vijay Khamkar ...Petitioners
2. Bhagyashri Rajendra Kothawale

Versus

The State of Maharashtra and Ors. ...Respondents

Ms. Sneha S. Bhange, for Petitioners.

Mr. Akshay Karlekar, for Respondent Nos. 3 and 4 (Management).

Mr. S.B. Kalel, AGP for Respondent/State.

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

DATE : 5 JULY 2024

P.C.:

. Heard learned counsel for the parties. The Petitioners are directed to pay separate court fees for each petitioner within a period of 2 weeks from today, failing which the petition will stand dismissed. If court fees are paid, following order will operate.

2. Petitioners/ employees working with Respondent No. 4 School run by Respondent No. 3 / Educational Institute, are challenging the orders dated 11 May 2023 passed by Respondent No. 2 / Deputy Director of Education Pune Division, Pune. By said impugned orders, the approval for Petitioners' appointment as Assistant Teachers are rejected. Learned counsel for the Respondent No. 3 & 4 states that there is no internal dispute in the Management and they are supporting the cause of the Petitioners.

3. Perused the impugned orders, which are passed without any show cause notice. Had an opportunity been given, the Petitioners / Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned orders for rejecting proposal. 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 11 May 2023 will be treated as notice to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioners' 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 Respondent / Educational Institute within a period of three weeks from date of presentation of this order.

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 proposals thereafter within a period of eight 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 *Judgment dated 16 April 2024* in the matter of *Nitin B. Tadge Vs. State of Maharashtra in Writ Petition No. 204 of 2019* and other companion petitions.

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 proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)