

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

***WRIT PETITION NO. 10383 OF 2018
with
WRIT PETITION NO. 10382 OF 2018
with
WRIT PETITION NO. 10417 OF 2018***

The Chairman, Kini Karyat Shikshan
Mandal Kowad and Ors.

... Petitioners

V/s.

The State of Maharashtra through
the Secretary and Ors.

... Respondents

Mr. Y.B. Lengare for the Petitioners
Mr. S.B. Kalel, AGP for the Respondent - State

***CORAM : NITIN JAMDAR &
KAMAL KHATA, JJ.***

DATE : 26 FEBRUARY 2024

P.C. :-

Heard the learned Counsel for the parties.

2. The Petitioner who is an educational institute along with its employees has filed these Petitions challenging the Government Resolution dated 9 April 2018 and the order dated 18 May 2018 whereby certain posts were abolished and consequently, the proposal submitted by the Petitioner for approval was rejected.

3. The Petitions were filed in the year 2018. It has remained pending since then. During the pendency of these Petitions, on 11 July 2023, the State had issued another Government Resolution whereby there is a change in the legal position regarding abolition of posts. Therefore, according to us, it would be appropriate if the Petitioner submits a fresh application seeking approval to their proposal, if not already submitted.

4. Once such an application is made, the Respondent – Education Authorities will decide the same as per the prevalent policy and the laws. In case any adverse order is to be passed on the proposal submitted by the Petitioners, the Authorities will communicate the list of objections to the Petitioner calling upon the Petitioner to submit the response and after considering the response of the Petitioner, a reasoned order be passed by the Respondent – Authorities. If the fresh proposal is submitted within a period of four weeks by the Petitioner or is already submitted, the Respondent – Education Authorities will communicate the grounds of objections, if any, within a period of four weeks. Thereafter, upon receipt of the response, take decision within a period of eight weeks, subject to earlier time bound directions.

5. Needless to state that this procedure need not be followed if the approval is to be granted. We keep all the contentions of the Petitioners open.

6. The Writ Petition is disposed of.

KAMAL KHATA, J.

NITIN JAMDAR, J.