

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6996 OF 2024

Kodoli Vibhag Shikshan Sangh
Through Its President/Secretary And Ors. ...Petitioners
Versus
The State Of Maharashtra And Ors ...Respondents

Mr. Prashant Bhavake for the Petitioners.
Ms A. A. Purav, AGP for the Respondent Nos. 1 to 5

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

DATED : 8 AUGUST 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Education Institute, Petitioner No. 2 High School & Junior College and Petitioner No. 3 employee (Subhash Ananda Patil) are jointly challenging the Order dated 15 November 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for appointment of Petitioner No. 3 as Shikshan Sevak is rejected.

3. Perused the impugned Order, which is 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 order 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 order dated 15 November 2022 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 3's proposal, which stands restored. Reply-affidavit filed on behalf of Respondent No. 5 Education Officer which is nothing but reiteration of reasons in impugned order, be treated as *prima facie* opinion. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposal, 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, case laws / orders of this Court etc. if relied upon. The Respondent Education Officer is directed to decide the proposal of 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/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' proposal and the same shall be decided on its 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.)