

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10987 OF 2022

Jay Bhawani Education Society Through Its
President/ Secretary And Ors. ...Petitioners

Versus

The State Of Maharashtra Through The
Secretary, School Education and Sports
Department, Mantralaya, Mumbai And Ors. ...Respondents

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Mr. Prashant Bhavake, Advocate for Petitioner.
Ms. R.A. Salunkhe, AGP Advocate for Respondent Nos.1 to
3/State.

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

DATE : 15 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
7 June 2022 passed by Respondent No. 5 / Education Officer, Zilla
Parishad, Satara. By said impugned Order, the approval for
appointment of the Petitioner No. 3 on the post of Laboratory
Assistant is refused.

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

Petitioners would have given appropriate and necessary explanations to all the reason stated in impugned Order for rejection.

4. This is yet another matter, where Education Officer has unilaterally rejected the proposal, without informing objections or grounds of rejection. This has lead to a situation where an inquiry about the grounds of rejection are required to be done first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 7 June 2022 shall be treated as notice to the Educational Institute of the proposed grounds of rejection. The Petitioners' proposal stands 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 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 and case laws / GRs / Orders of this Court, if relied upon. The Respondent Education Officer is directed to decide the proposal thereafter, by dealing with the explanation given by the Educational Institute as also dealing with case laws/orders of this Court, by passing a reasoned order, within a period of 8 weeks, 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 proceeds to grant approval, 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.)