

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10937 OF 2022

Swami Nandini Sidramayya

...Petitioner

Versus

The State Of Maharashtra Through Its
Principal Secretary, School Education
Department, Mantralaya, Mumbai And Ors.

...Respondents

.....

Ms. Ashwini Jadhav i/b. Jagdish G. Reddy, Advocate for Petitioner.
Mr. N.K. Rajpurohit, AGP Advocate for Respondent Nos.1
& 2/State.

Mr. Vishwanath R. Patil, Advocate for Respondent No. 3.

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

DATE : 16 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as Assistant Teacher with Respondent No. 5 School run by Respondent No. 4 Management, is challenging the Order dated 7 July 2022 passed by Respondent No. 3 / Education Officer, Zilla Parishad, Solapur. By said impugned Order, the approval for appointment of the Petitioner on 100% aided post is refused. Learned counsel for the Petitioner states on instructions that Respondent Nos. 4 & 5 are supporting the cause of

the Petitioner till today. We proceed on the basis of said statement.

3. It is urged that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation to reason 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.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 7 July 2022 will be treated as notice to Respondent / Educational Institute of the proposed ground of rejection. The Petitioner's 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 Respondent/Educational Institute within a period of 3 weeks from today.

6. The Respondent 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 Petitioner's 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 as sought, 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.)