

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12299 OF 2023

Smt. Vaishali Bhimrao Thoke @ Smt.
Vaishali Sanjay Desawale

...Petitioner

Versus

The State Of Maharashtra Through Its
Secretary And Ors.

...Respondents

Mr. Dinesh Bhosale for the Petitioner.

Mr. B.V. Samant, AGP a/w M.M. Pabale, AGP for Respondent/State.

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

DATE : 22 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working with Respondent No. 6 School run by Respondent No. 4 Management, is seeking direction to Respondent No. 3 Education Officer (Secondary) Zilla Parishad, Sangli to grant approval to her appointment as Assistant Teacher and clear all consequential dues and further seeking direction to Respondent No. 2 Dy. Director of Education, Pune Division, Pune to grant Shalarth ID. The learned counsel for the Petitioner states on instructions that Respondent Nos. 4 & 6 are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is submitted that despite earlier order of this Court dated 9 February 2021 and despite the Respondent Management submitting all the necessary documents and explanations to objections raised by Respondent Authority under Letter dated 30 January 2023, the Education Officer has passed order dated 25 May 2023 thereby rejecting the approval, without dealing with explanations given by the Respondent Management and in a mechanical manner. Learned Counsel for the Petitioner pointed out that not only the explanations to the queries raised by the Respondent Education Officer are given in the petition itself but documents in support thereof which are already submitted with Authority, are also annexed to the Petition.

4. Indeed the last order dated 25 May 2023 refusing/returning the proposal makes reference to fresh proposal dated 27 February 2023. It is not a reasoned order. In light thereof, instead of entering the inquiry about objections and explanations for the first time in this Court, we deem it appropriate to dispose of this petition by passing following order :

- (i) Petitioner's proposal dated 27 February 2023 stands restored. If there are any other grounds on which the Respondent Education Officer intends to reject/return the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

- (ii) 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 not already submitted. If it is already submitted, the Respondent Management will specifically inform it accordingly.
 - (iii) Thereafter within a period of 8 weeks, the Respondent Education Officer is directed to decide the Petitioner's proposal, 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.
 - (iv) 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.
 - (v) Needless to mention that if the Respondent No. 2 decides to grant Petitioner's proposal as prayed, the aforesaid procedure/directions will not apply and in that case, consequential orders will follow and the Respondent Dy. Director of Education shall also issue Sharath ID.
5. The writ petition is disposed of in the aforesaid terms.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)