

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2525 OF 2024

Ms. Arati Shamrao Khabale

...Petitioner

Versus

State Of Maharashtra School Education

Dept. And Ors

...Respondent

Mr. M. V. Thorat for the Petitioner.

Ms. T. J. Kapre, AGP for Respondent-State.

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

DATED : 29 FEBRUARY, 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Shishan Sevak working with Respondent No. 4 School run by Respondent No. 5 Management, is challenging the Order dated 25 April 2023 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for Petitioner's appointment is rejected. 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. It is urged that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

3. Perused the impugned Order. 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 25 April 2023 will be treated as notice to Respondent/Educational Institute of the proposed ground/s for rejection of Petitioner's proposal. The Petitioner's proposal stands restored. 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 Respondent/Educational Institute within a period of 3 weeks from today.

5. The Respondent Educational Institute 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 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.

6. 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 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.)