

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12104 OF 2019

Shri. Prince Shivaji Maratha Boarding House,
Kolhapur And Ors. ...Petitioners

Versus

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

Mr. Prashant Bhavake, for Petitioners.
Mr. B.V. Samant, Addl. G.P. a/w. Ms. Priya Joshi-Deshpande, AGP
for Respondent/State.

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

DATE : 4 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 - Institute, Petitioner No. 2 - High School and
Petitioner No. 3 - employee have jointly approached this Court
challenging the impugned Communication/Order dated 14 March
2019, by which individual approval to appointment of Petitioner No.
3 as Shikshan Sevak has been rejected by Respondent No. 5 -
Education Officer (Secondary), Zilla Parishad, Kolhapur. It is urged
that had an opportunity been given, the Petitioners would have given

appropriate and necessary explanations 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 14 March 2019 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioners' proposal. The Petitioners' 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 Petitioners within a period of 3 weeks from today.

5. The Petitioners shall thereafter submit their 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 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/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.)