

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11957 OF 2017

Ms. Sapana Raju Chougule And Anr.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

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WITH
WRIT PETITION NO. 11959 OF 2017

Ms. Sampada Shankar Patil And Anr.

...Petitioners

Versus

The State of Maharashtra and Anr.

...Respondents

Mr. Saurabh Pakale a/w. Mr. Nilesh Desai i/b. Mr. S.M. Katkar, for
Petitioners in both petitions.

Mr. A.C. Bhadang, AGP for Respondent No.1/State in both
petitions.

None for Respondent No.2 in both petitions.

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

DATE : 1 JULY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1- Employee working with Petitioner No. 2
Educational Institute are jointly challenging the order dated 10
October 2016 passed by Respondent No. 2 / Education Officer

(Primary), Zilla Parishad, Kolhapur. By said impugned order, the approval for appointments of Petitioner Nos. 1 as Shikshan Sevak in both the petitions are rejected. None appeared for Respondent No. 2 though duly served.

3. Perused the impugned order. The impugned order is passed without any show cause notice and had an opportunity been given, the Petitioners would have given appropriate and necessary explanations to reasons stated in impugned order for rejecting proposal. 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 these petitions by directing that the impugned order dated 10 October 2016 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 1's proposals in both petitions, which stand restored. If there are any other grounds on which the Respondent-Education Officer intends to return or reject the proposals, he is directed to communicate the same to the Petitioners within a period of three weeks from today.

5. The Petitioners shall thereafter submit their explanations 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 proposals of Petitioner Nos. 1 in both petitions thereafter within a

period of eight weeks, by dealing with the explanations given by the Educational Institute as also dealing with case laws / orders of this Court, by passing a reasoned order, subject to other time bound directions. The order will be passed keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of *Judgment dated 16 April 2024* in the matter of *Nitin B. Tadge Vs. State of Maharashtra in Writ Petition No. 204 of 2019* and other companion petitions.

6. We have not expressed any opinion on the Petitioners' proposals and the same shall be decided on their own merits in accordance with law. Needless to mention that if the Respondent-Education Officer proceeds to grant proposals as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

7. The writ petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)