

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1883 OF 2020

Smt. Sadhana Ramu Shipure

...Petitioner

Versus

The State Of Maharashtra Through
Secretary School Education And Sports
Dept. And Ors

...Respondents

WITH

WRIT PETITION NO. 1889 OF 2020

Smt. Shradha Murari Singadi

...Petitioner

Versus

The State Of Maharashtra Through
Secretary School Education And Sports
Dept. And Ors

...Respondents

WITH

WRIT PETITION NO. 1877 OF 2020

Smt. Subhangi Shailendra Kumbahr

...Petitioner

Versus

The State Of Maharashtra Through
Secretary School Education And Sports
Dept. And Ors

...Respondents

Mr. Prashant Bhavake for the Petitioner.

Mr. V.M. Mali, AGP for the Respondent Nos.1 to 4.

Mr. Utkarsh Desai for Respondent Nos. 6 and 7.

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

DATE : 5 JANUARY 2024

P.C. :

. By these petitions, the Petitioners are challenging the order passed by Respondent No.5 Education Officer, Zilla Parishad Kolhapur rejecting the approval for the appointment of the Petitioners. The Petitioners are Shikshan Sevak working with Respondent Nos. 6 and 7 who had submitted the proposal for approval. The learned counsel for Respondent Nos. 6 and 7 states that though they have not joined in these petitions as Co-Petitioners, they are supporting the cause of petitions for grant of approval. The notices have been issued and are duly served.

2. As regard the impugned order rejecting the approval is concerned, learned counsel for the Petitioner and Respondent Management submit that there is an explanation for each of the grounds stated in the impugned order and none of these grounds are correct in law and fact. They state that had the Respondent/Management put to notice, they would have placed their explanation before the Education Officer. As we have observed in Writ Petition No. 16120 of 2023 that such course of action adopted by Education Officer increases the burden of this court as the adjudication of version of the Educational institute has to be done first time in this Court. In these circumstances, we direct that the impugned order passed by the Education Officer be treated as prima facie opinion and notice to Respondent Nos. 6 & 7 about

proposed grounds of rejection. There upon Respondent Nos.6 and 7 Management will submit the explanation along with the Government Resolution, decisions of this Court etc. on which they seek to rely upon and after receipt of the explanation, the Education Officer would pass a final order, dealing with the explanation and giving reasons including dealing with the decisions of this court.

3. The learned counsel for the Respondent Nos. 6 and 7 states that the explanation would be submitted within a period of four weeks. After the explanation is so submitted, Education Officer will take the final decision within a period of 8 weeks thereof, with reasons. If the Education Officer decides to grant approval, then he will take all necessary consequential steps as per law including necessary entries in the data base.

4. Writ Petitions are disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)