

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11798 OF 2022

Anirudha Laxman Acharekar

...Petitioner

Versus

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

...Respondents

Mr. Prashant Bhavake for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Mr. M.M. Pabale, AGP for the
Respondent/State.

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

DATE : 22 JANUARY 2024

P.C.:

. Heard learned counsel for the parties. Leave to amend is granted to add Management/School as party Respondents. Amendment to be carried out during the course of the day.

2. The Petitioner/Employee, working with Respondent No. 7 School run by Respondent No. 6 Management, is challenging the order dated 3 June 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Sindhudurg. By said impugned order, the approval for appointment of the Petitioner as Junior Clerk is refused. The learned counsel for the Petitioner states on

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instructions that Respondent Nos. 6 & 7 are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. 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.

4. Education Officer has directly rejected the proposal, without informing proposed grounds of rejection. This has resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 3 June 2022 will be treated as notice to Respondent / Educational Institute of the proposed ground of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Education Officer intends to reject the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

6. 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 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.

7. 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 Authorities decide to grant proposal as prayed, consequential orders including grant of Shalarth ID shall also be made and in that case, the aforesaid procedure/directions will not apply.

8. The writ petition is disposed of in the aforesaid terms.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)