

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2534 OF 2022

Sangramsing Subhash Kambale

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Satyajeet A. Rajeshirke, for Petitioner.

Ms. Dhruti Kapadia, AGP for Respondent Nos.1 and 2.

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

DATE : 5 AUGUST 2024

HUSENBASHA
RAHAMAN
NADAF
Digitally signed
by HUSENBASHA
RAHAMAN
NADAF
Date: 2024.08.06
18:16:34 +0530

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/ employee working with Respondent No. 4 School run by Respondent No. 3 Educational Institute, is challenging the order dated 18 November 2021 passed by Respondent No. 2 / Deputy Director of Education, Kolhapur Region, Kolhapur. By said impugned order, the approval for Petitioner's appointment as Laboratory Assistant is rejected. None appears for Respondent No. 3 & 4 / Management despite due service of notice for final disposal, as per office note/bailiff report. We proceed therefore on the basis that the Respondent Management is not contesting the Petitioner's case.

3. Perused the impugned order, which is admittedly passed without any show cause notice and had an opportunity been given, the Petitioner / Respondent Management would have given

appropriate and necessary explanation 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 this petition by directing that the impugned order dated 18 November 2021 will be treated as notice to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioner's proposal, which stands restored. Affidavit in reply filed by Respondent- Deputy Director of Education will be treated as prima facie opinion. If there are any other grounds on which the Respondent Education Authority intends to return or reject the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of three 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 Authority is directed to decide the proposal thereafter within a period of eight weeks, by dealing with the explanation 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 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 Authority 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.)