

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16119 OF 2023

Ganesh Tanaji Chougule

...Petitioner

Versus

Education Officer (Secondary) Zilla Parishad,
Solapur And Ors.

...Respondents

.....

Mr. I.M. Khairdi, Advocate for Petitioner.

Ms. Nisha Mehra, AGP, for Respondent/State.

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

DATE : 5 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. The learned counsel for the Petitioner states that Respondent No. 6 – Management, who has sent a proposal for approval of the Petitioner's appointment, is supporting the cause of the Petitioner even till today. The Petition should have been filed by the Management along with Petitioner. But since the above statement is made, we proceed with the petition on that basis.

3. By impugned order dated 1 April 2022, approval of the Petitioner's appointment was granted from 1 June 2020. According to the Petitioner, it should have been from 31 July 2015. There is no

reason whatsoever that we discern from the impugned order as to why the date 1 June 2020 is arrived at. Had the Education Institute been given an opportunity, they would have forwarded their explanation for different dates. Such course of action adopted by the Education Officer, is giving rise to litigation which take substantial time of the Court.

4. In such circumstances, we direct that the impugned order dated 1 April 2022 be treated as a notice to the Respondent - Education Institute, as *prima facie* opinion of the Education Institute giving it an opportunity to submit explanation. If the Authority has any other ground / objection, the same be communicated to the Respondent Educational Institute within a period of 3 weeks. It is open to the Respondent Education Institute to rely upon decision/s of this Court. If they are submitted, the Education Officer to deal with the same. After explanation so submitted by the Respondent - Education Institute, Education Officer will take the final decision by passing reasoned order, within a period of eight weeks, subject to earlier time bound directions.

5. Learned counsel for the Petitioner states that he will communicate this order to Respondent – Management.

6. In case, the Respondent - Management is not paying salary to the Petitioner on the ground of non approval and partial approval, the Respondent – Management shall proceed to do so as they are primarily responsible for payment of salary to their employees.

7. Writ Petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)