

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 167 OF 2024

Aabasaheb Ananda Shivsharan

...Petitioner

Versus

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

...Respondents

.....

Mr. Prashant Bhavake, Advocate for Petitioner.

Mr. K.S. Thorat, AGP for Respondents-State.

.....

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

DATE : 15 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner working as Assistant Teacher with Respondent No. 7 School run by Respondent No. 6 Management, is challenging impugned Order dated 4 May 2022 passed by Respondent No. 5 - Education Officer, Zilla Parishad, Sangli. By said impugned Order, approval granted to Petitioner's appointment as Assistant Teacher on 11 April 2022 is recalled by same Officer. Learned counsel for the Petitioner states on 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 submitted that due to one third party – Mr. Sagarkumar Bhagwan Mane’s alleged seniority and alleged reduction of post of unaided division, the impugned Order of recall is passed. It is submitted that if opportunity was given, the Petitioner and the Respondent Management would have certainly given explanation about the alleged reason of recall.

4. This is yet another matter, leading to unnecessary litigation which takes precious judicial time of this Court because an inquiry about the grounds of rejection/recall etc. 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 4 May 2022 shall be treated as mere notice to the Respondent Educational Institute of the proposed grounds of recall order. If there are any other grounds on which the Education Officer intends to recall the approval of Petitioner, he is directed to communicate the same to the Respondent Educational Institute within a period of 3 weeks from today, which shall thereafter submit its explanation to the proposed grounds of recall, along with supporting material and case laws / GRs / Orders of this Court, if relied upon.

6. Thereafter, the Respondent Education Officer is directed to give audience to Respondent Management as also to the said Mr. Sagarkumar Bhagwan Mane and then decide about Petitioner's approval, by dealing with the explanation given by the Respondent Educational Institute as also dealing with case law/orders of this Court, by passing a reasoned order, within a period of 8 weeks, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioner's approval and decision thereabout shall be taken on its own merits in accordance with law.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)