

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3087 OF 2023

Kakaso Abaji Jadhav ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO. 4974 OF 2023

Naveri Parisar Shikshan Prasark Mandal, Mumbai
and Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO. 2898 OF 2023

Shri Chatrapati Shivaji Sarvajanik Shikshan
Mandal And Ors. ...Petitioners

Versus

The State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO. 3834 OF 2023

Amol Dilip Itraj ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

WITH

WRIT PETITION NO. 4994 OF 2023

Dapoli Education Society Through President And ...Petitioners
Ors.

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 4996 OF 2023

Dapoli Education Society Through President And Ors. ...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 5103 OF 2023

Digambar Manikkrao Nimbalkar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 5104 OF 2023

Kiran Appaso Pawar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 5007 OF 2023

Dipak Bapurao Bagal

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 5022 OF 2023

Dapoli Education Society Through President And Ors ...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

WITH
WRIT PETITION NO. 5054 OF 2023

Amit Arvind Kadam

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Prakash Bhavake, for Petitioner in all Petitions.

Mr. Utkarsh Desai, for Respondent Nos.6 & 7 in all Petitions.

Mr. U.M. Mali, AGP for Respondent/State.

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

DATE : 5 MARCH 2024

P.C.:

1. Heard learned counsel for the parties.

2. Either employee alone or employee along with respective Education Institute and respective School/Junior College, has/have filed the aforesaid petitions challenging various impugned orders passed by Respondent- Education Authorities, as per details given in table below.

Sr. No.	Writ No.	Petition	Name of the Petitioner / employee	Date of impugned order	Education Authority passing impugned order
1	WP/3087/2023		Kakaso Abaji Jadhav	15/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara

2	WP/4974/2023	Yash Nivrutti Vishwasrao	12/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Ratnagiri
3	WP/2898/2023	Datta Prasad Shahji Surve	12/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Ratnagiri
4	WP/3834/2023	Amol Dilip Itraj	15/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara
5	WP/4994/2023	Pankaj Prakash Ramje	12/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Ratnagiri
6	WP/4996/2023	Prashant Vinayak Joshi	12/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Ratnagiri
7	WP/5103/2023	Digambar Manikkrao Nimbalkar	15/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara
8	WP/5104/2023	Kiran Appaso Pawar	15/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara
9	WP/5007/2023	Dipak Bapurao Bagal	15/09/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Satara
10	WP/5022/2023	Ravindra Sadanand Gorivale	12/9/2022	Respondent No.5- Education Officer (Secondary), Zilla Parishad, Ratnagiri
11	WP/5054/2023	Amit Arvind	15/9/2022	Respondent No.5-

		Kadam		Education Officer (Secondary), Zilla Parishad, Satara
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3. The common argument raised in these petitions is that in all the impugned orders, one of the reasons for rejection or return of the proposals of the Petitioners is that there was stay granted by this Court in Writ Petition No. 5058 of 2021 along with Writ Petition No. 8007 of 2021.

4. Inviting this Court's attention to the order dated 6 February 2024 passed in the said two writ petitions, it is submitted that the stay is vacated by this Court and the said petitions are also disposed of. It is further submitted apart from the said reason, impugned orders mention other reasons also for rejection/return of the proposals, for which no show cause notices were given to either Petitioners or the concerned Educational Institutes. It is submitted that had an opportunity been given, the Petitioners / Educational Institutes would have given appropriate explanation.

5. Considering the fact that Writ Petition No. 5058 of 2021 and Writ Petition No. 8007 of 2021 are disposed of and interim stay granted therein is no more in existence, and further considering that the impugned orders have resulted into a situation where the fact finding exercise about reasons of rejection / return mentioned therein are required to be done first time in this Court, we dispose of these writ petitions by passing following order :

ORDER

- i. The impugned orders are set aside and they will be treated as show cause notices of *prima facie* opinion of the concerned Education Authorities about proposals of Petitioners-employees, which stand restored.
- ii. If there are any other grounds on which Respondent-Education Authorities proposes to return/reject the proposals of Petitioners- employees, the same shall be communicated by Respondent- Education Authorities within a period of 3 weeks from today.
- iii. Thereafter, the respective Educational Institutes shall submit their explanation to the proposed grounds of return/rejection along with case laws/ government resolutions and orders of this Court in support thereof.
- iv. Thereafter, subject to pressing public duties and other time bound directions, within a period of 8 weeks, Respondent- Education Authorities are directed to consider the Petitioners' proposals and decide the same by passing reasoned orders dealing with the case laws and orders of this Court relied upon.
- v. We have not expressed any opinion on the Petitioners' proposals and the same shall be decided on its own merits in accordance with law. The proposals shall not be

rejected on the ground of any order passed in Writ Petition No. 5058 of 2021 and Writ Petition No. 8007 of 2021.

- vi. If the Respondent- Education Authorities proceed to grant the proposals of the Petitioners as prayed, the necessary consequential benefits/ orders shall follow, and in that case, the aforesaid procedure will not apply.
- vii. Writ petitions are disposed of in the aforesaid terms. No order as to costs.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)