

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5046 OF 2024

Mrs. Riya Sandip Desai

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

Mr. Chetan S. Patil i/b. Mr. Mandar G. Bagkar for the Petitioner.

Mr. V. M. Mali, AGP for the Respondent-State

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

DATED : 15 APRIL 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/ employee working with Respondent No. 4 School and Junior College run by Respondent No. 3 Educational Institute, is challenging the Order dated 19 October 2022 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for Petitioner's appointment as part-time librarian is rejected. Learned counsel for the Petitioner states on instructions that there is no internal dispute in the Respondent Management and they are supporting the cause of the Petitioner. We proceed on the basis of said statement.

3. It is submitted that the impugned order is passed re-iterating the reason of G.R. dated 4 May 2020, which was specifically directed not to be applied, in earlier Order of this Court dated 26 July 2022 in W. P. No. 8751 of 2022 filed by Petitioner herself. It is further submitted that there are other reasons also about which no show cause notice was given 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.

4. Perused the impugned Order. Finding that reason of G.R. dated 4 May 2020 could not have been given by the Education Officer in the teeth of earlier order, learned AGP was asked to take instructions. He states on specific instructions of the concerned Education Officer, that the impugned Order will be withdrawn. We accept the said statement.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 19 October 2022 stands withdrawn and the Petitioner's proposal stands restored. If there are any grounds on which the Respondent Education Officer intends to return or 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, 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 Education Officer proceeds to grant proposal as prayed, consequent benefits and orders will follow, 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.)