

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16665 OF 2023

Vikram Jotiram Kurud and Ors. ...Petitioners

V/s

State of Maharashtra and Ors. ...Respondents

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Mr. Sidheshwar A. Biradar for the Petitioners.

Ms. R.A. Salunkhe, AGP for Respondent Nos.1 to 3.

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

DATE : 9 JANUARY 2024

P.C.:

Heard learned counsel for the parties.

2. The Petitioner No. 1 - Employee and Petitioner Nos. 2 and 3 - Management & Junior College have jointly filed this petition challenging the order dated 27 September 2023 by Respondent No. 2 /Education Officer rejecting the approval for appointment of Petitioner No. 1 on the post of Assistant Teacher.

3. Learned counsel for the Petitioners submitted that had the opportunity been given, they would have given suitable explanation in respect of reason given in the impugned Order and

as such the impugned Order suffers from violation of natural justice.

4. Considering the aforesaid situation, we dispose of this petition by directing that the impugned order dated 27 September 2023 will be treated as notice to Educational Institute of the proposed ground of rejection. The Petitioners' proposal stands restored. If there are any other grounds on which the Education Officer intends to reject the proposal, he is directed to communicate the same to the Educational Institute within a period of 3 weeks from today.

5. The Educational Institute shall thereafter submit its explanation to the proposed grounds of rejection, along with supporting material and case laws/orders of this Court, if relied upon. The Respondent / Education Officer is then directed to decide the proposal 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 and pressing public duty, if any.

6. We have not expressed any opinion on the merits of the Petitioners' 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 approval, 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.)