

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16558 OF 2023

Arvind Yashwant Surve And Ors.

...Petitioners

Versus

State Of Maharashtra Through Department Of
Education, Mantralaya, Mumbai And Ors.

...Respondents

.....

Mr. Chetan Patil i/b. Mr. Mandar G. Bagkar, Advocate for
Petitioners.

Mr. B.V. Samant, Addl. G.P. a/w Ms. R.A. Salunkhe, AGP for
Respondent Nos.1 to 3-State.

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

DATE : 18 JANUARY 2024

P.C.:

. Heard learned counsel for the Parties.

2. The Petitioners had earlier approached this Court by way of Writ Petition No. 10503 of 2022 regarding rejection of the proposal seeking approval of the appointment of Petitioner No. 1 on the post of Peon. The Division Bench set aside the order and directed the Education Officer to reconsider the proposal on the basis of the position existing on the date Petitioner No. 1 was appointed. By the present impugned order, the proposal is rejected.

3. The learned counsel for the Petitioners states that there is a factual error in the impugned order. The learned AGP states that the fact which is sought to be urged is placed before the Court now in this Petition and was not placed before the Education Officer.

4. In these circumstances, the order dated 2 December 2022 shall not be treated as an order of the cancellation of the approval but as a notice to Respondent Management. The proposal of the Management is restored to the file of the Education Officer. The Petitioner will submit an explanation to this notice dated 2 December 2022 and after his explanation is submitted, the Education Officer after dealing with the submission would pass a reasoned order within a period of 8 weeks thereafter subject to time bound commitment. It is open to the Petitioners to place the decision of this Court in support and if so done, the Education Officer will deal with the same in the reasoned order.

5. Writ Petition is disposed of in the above terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)