

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6776 OF 2021

Rishikesh Chandrakant Berde And Anr.

...Petitioners

Versus

The State of Maharashtra And Anr.

...Respondents

Mr. Vinayak Kumbhar i/b. A.N. Bandiwadekar, for Petitioners.

Mr. M.M. Pabale, AGP, for Respondent Nos. 1 & 2.

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

DATE : 16 APRIL 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 employee working with Petitioner No. 2 Education Institute are jointly challenging the order dated 19 November 2020 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Rantnagiri. By said impugned Order, the approval for appointment of Petitioner No. 1 as Assistant Teacher is rejected.

3. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

4. Perused the impugned Order. It has resulted in a situation where inquiry about the grounds of rejection 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 19 November 2020 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 1's proposal. The proposed stands restored to the Education Officer. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposal, he is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

6. The Petitioners shall thereafter submit their 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 of Petitioner No. 1 thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institute as also dealing with case laws/orders of this Court, by passing a reasoned order, subject to other time bound directions. The order will be passed keeping in mind the directions issued by this Court in Part II Clauses A(i) to (iii) of the *Judgment dated 16 April 2024* in the matter of *Nitin Bhika Tadge and Anr. Vs. State of Maharashtra and Anr.*¹ and other companion petitions.

7. We make it clear that we have not expressed any opinion on 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 proposal as prayed, consequential 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.)