

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE

WRIT PETITION NO. 2560 OF 2018

Shri Jadhav Niranjan Deoram. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Vinayak Kumbhar i/b. A.N.Bandiadekar for the Petitioner.

Mr.K.S.Thorat, 'B' Panel Counsel for Respondent Nos.1 to 4- State.

Mr.Sachin Gite for Respondent No.5.

SANJAY  
KASHINATH  
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**CORAM : NITIN JAMDAR, AND  
M.M. SATHAYE, JJ.**

**DATE : 15 April 2024.**

**P.C. :**

The Petitioner has filed this petition challenging the orders dated 17 June 2017 and 6 November 2017 passed by the District Vocational Education and Training Officer, Nashik rejecting the proposals submitted by Respondent No.5- Management seeking approval to the Petitioner's appointment. The Petitioner was appointed vide order dated 12 November 1999 with effect from 15 November 1999 as Instructor in the Industrial Training Centre of Respondent No.5- Management. The Petitioner's services were continued by order dated 7 March 2002. Thereafter, in the year 2008-2009, Petitioner's services were not continued. The Petitioner filed an appeal before the School Tribunal which was allowed and the

Petitioner was reinstated in service. The Respondent- Management submitted the proposal seeking an approval to the transfer of the Petitioner from unaided school to aided school. The same was rejected by order dated 17 June 2017 on the ground of certain shortfalls. On 14 July 2017, the Respondent- Management communicated to the District Vocational Education and Training Officer that shortfalls have been removed.

2. Again by order dated 6 November 2017, the District Vocational and Training Officer rejected the proposal stating that transfers cannot be made from aided to unaided division and that the decision in Writ Petition No.3861/2015 is applicable to the parties in that petition and that Government Resolution dated 28 June 2016 was in respect of School Education Department and cannot be made applicable to the transfer of the Petitioner. There is no reference to the judgments at all.

3. The learned counsel for the Petitioners submitted that the impugned order is passed without giving any opportunity to the Petitioner or the Educational Institute to submit explanation to the grounds on which the proposal is rejected. The learned counsel for the Petitioner submitted that even on other grounds, had an opportunity been given to the Petitioner, the Petitioner would have pointed out that these grounds do not survive.

4. Indeed, we find in many such matters that the proposals are rejected without communicating the grounds for rejection and we also find that had the Petitioner or the Educational Institute been given an opportunity, they would have given explanation dealing with the grounds of rejection. This method adopted by District Vocational and Training Officer of directly rejecting the proposals, without informing the proposed grounds of rejection, is giving rise to flood of litigation which takes precious judicial time of this Court because an inquiry about the grounds of rejection is required to be done in this Court at the first instance.

5. In that view of the matter, we dispose of this petition by directing that the impugned orders dated 17 June 2017 and 6 November 2017 will be treated as notice to the Petitioner and/or Educational Institute of the proposed grounds of rejection. The proposal in respect of transfer of the Petitioner stands restored. If there are any other grounds on which the concerned Officer intends to reject the proposal, he is directed to communicate the same to the Petitioner and the Educational Institute within a period of 3 weeks from today.

6. The Petitioner and the Educational Institute shall thereafter submit their explanation to the proposed grounds of rejection, along with supporting material and case laws/orders of this Court, if relied upon. The Respondent/ District Vocational Education and Training Officer is directed to decide the proposal by

dealing with the explanation to be given by the Petitioner and the Educational Institute as also dealing with case law/orders of this Court, by passing a reasoned order within a period of 8 weeks from the receipt of explanation from the Petitioner/ Educational Institute, subject to other time bound directions and pressing public duty, if any.

7. 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/ District Vocational Education and Training Officer Officer to grant approval, 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.)