

ANANT
KRISHNA
NAIK
Digitally
signed by
ANANT
KRISHNA
NAIK
Date:
2024.03.06
17:46:56
+0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1414 OF 2024

Jagdish Dhondu Patil

...Petitioner

Versus

The State Of Maharashtra & Ors

...Respondents

Mr. Rajaram V Bansode a/w. Adv. Sheetal Ubale for the Petitioner.
Ms Pooja M. Joshi-Deshpande, AGP for the Respondent-State.

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

DATED : 5 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/ Assistant Teacher working with Respondent No. 5 High School & Junior College run by Respondent No. 4 Management, is challenging the Order dated 29 September 2022 passed by Respondent No. 2 / Divisional Dy. Director of Education, Mumbai Region, Mumbai ("the said Authority" for short). By said impugned Order, the approval for Petitioner's appointment is rejected. Learned counsel for the Petitioner states on instructions that Respondent Nos. 4 & 5 are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is submitted that had an opportunity been given, the

Petitioner and Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal. It is submitted that such explanation is in fact already given, however, after the impugned Order was passed.

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 29 September 2022 will be treated as notice to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioner's proposal. The Petitioner's proposal stands restored. If there are any other grounds on which the said Authority 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 said Authority 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 said Authority 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.)