

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10967 OF 2022

Rupali Arun Gurav

...Petitioner

Versus

The State Of Maharashtra Department Of
School Education And Ors.

...Respondents

.....

Mr. Bhooshan Mandlik a/w. Mr. Mandar G. Bagkar, Advocate for
Petitioner.

Ms. Neha Bhide, 'B' Panel Counsel for Respondent Nos. 1 to 3.

Mr. Avinash Belge, Respondent Nos. 4 & 5.

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

DATE : 9 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as peon with Respondent No. 5 School run by Respondent No. 4 Management, is challenging the Order dt. 16 November 2021 passed by Respondent No. 3 / Education Officer, Zilla Parishad, Kolhapur. By said impugned Order, the approval for appointment of the Petitioner on compassionate ground is refused. Learned counsel for the Respondent Nos. 4 & 5 / Management states that they 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 reason of rejection.

4. This method adopted by Education Officer of directly rejecting the proposals, without informing proposed grounds of rejection, is giving rise to unnecessary litigation which takes precious judicial time of this Court because an 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 16 November 2021 will be treated as notice to Respondent/Educational Institute of the proposed ground of rejection. The Petitioner's 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 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 of rejection, along with supporting material and case laws/orders of this Court, if relied upon. The Respondent / Education Officer 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 Respondent/Education Officer proceeds 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.)