

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3376 OF 2024

Sandip Bajirao Jarag

...Petitioner

Versus

The State of Maharashtra through
Department of Education and Ors.

...Respondents

WITH

WRIT PETITION NO. 3377 OF 2024

Sagar Laxman Bhurale

...Petitioner

Versus

The State of Maharashtra through
Department of Education and Ors.

...Respondents

Mr. Mandar Bagkar for the Petitioners.

Ms. Pooja Joshi, AGP for the Respondent/State in WP/3376/2024.

Ms. Rupali Shinde, AGP for the Respondent/State in
WP/3377/2024.

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

DATE : 11 MARCH 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioners in both petitions working as peons with common

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CHAVAN

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Respondent No. 4 School run by common Respondent No. 3 Educational Institute, are challenging impugned orders dated 7 September 2023 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Orders, the approvals for Petitioners' appointment as peon are rejected. The learned counsel for the Petitioners states on instructions that there is no internal dispute in Respondent Management Trust / Institute and they are supporting the cause of the Petitioners till today. We proceed on the basis of the said statement.

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

4. Perused the impugned Orders, which have 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 these petitions by directing that the impugned orders dated 7 September 2023 will be treated as notices to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioners' proposals, which stand restored. If there are any other grounds on which the Respondent/ Education Officer intends to return or reject the proposals, 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 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 orders, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposals 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 proposals as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. The writ petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)