

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8236 OF 2022

Manoj Ashok Gaiwad and Anr.

...Petitioners

Versus

The State Of Maharashtra Through The
Secretary, School Education Department,
Mantralaya, Mumbai And Ors

...Respondents

.....

Mr. Narendra V. Bandiwadkar, Senior Advocate a/w. Rajendra
Khaire i/b. A.N. Bandiwadkar, for Petitioners.

Mr. V.M. Mali, AGP for Respondents.

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

DATE : 7 FEBRUARY 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Employee and Petitioner No. 2 Management are jointly challenging the order dated 13 January 2022 passed by Respondent No. 2 / Education Officer, Zilla Parishad (Secondary), Satara. By said impugned order, the approval for transfer of Petitioner No. 1 from unaided to aided school as junior clerk, is rejected.

3. It is submitted that the impugned order is passed directly without any show cause notice about proposed grounds of rejection. It is further submitted that had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to the reasons stated in impugned order for rejection. This is yet another matter, where an inquiry about the grounds of rejection are required to be done for the first time in this Court.

4. In that view of the matter, we dispose of this petition by directing that the impugned order dated 13 January 2022 shall be treated as notice to the Petitioners of the proposed grounds of rejection. The Petitioners' 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 Petitioners within a period of 3 weeks from today.

5. The Petitioners shall thereafter submit their explanation to the proposed grounds of rejection, along with supporting material and case laws, government resolutions, orders of this Court etc. if relied upon. The Respondent - Education Officer is directed to decide the proposal thereafter, 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, within a period of 8 weeks, subject to other time bound directions.

6. 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, consequent allotment of Shalarth ID will follow, and in that case, the aforesaid procedure/directions will not apply.

7. The writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)