

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3585 OF 2023

Anhijit Bajirao Darole and Anr.

...Petitioners

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Narendra Bandiwadekar, Senior Advocate a/w Aniket Phapale i/
b Ashwini Bandiwadekar for the Petitioner.

Mr. V.M. Mali, AGP for the Respondents/State.

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

DATE : 28 FEBRUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Laboratory Assistant working with Petitioner No. 2 Institute are jointly challenging the order dated 2 December 2022 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Thane. By said impugned order, the approval to appointment of Petitioner No. 1 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 explanations to the reason 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 2 December 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 law/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 Petitioners' proposal as prayed, consequent order / benefit about 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.)