

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 702 OF 2021

Bapuso Tanaji Khot

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

YUGANDHARA
SHARAD
PATIL

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by
YUGANDHARA
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Date: 2024.02.02
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Mr. Chetan Patil, for the Petitioner.

Mr. V.M. Mali, AGP for Respondent Nos. 1 and 2.

Mr. Bhooshan Mandlik for Respondent Nos. 3 and 4.

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

DATE : 18 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as Laboratory Assistant with Respondent No. 4 School run by Respondent No. 3 Management, is challenging the Order dated 16 December 2019 passed by Respondent No. 2 - Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for appointment of the Petitioner is refused. Learned counsel for the Petitioner states on instructions, that Respondent Nos. 3 & 4 are supporting the cause of the Petitioner till today. We proceed on the basis of

said statement.

3. It is urged that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation to reason of rejection.

4. This is again a case, requiring an inquiry about the grounds of rejection, to be done first time in this Court. This is because the Respondent Education Officer has passed order without indicating in advance its grounds of rejection. Matters like these, large in number, are taking Court's time.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 16 December 2019 will be treated as notice to Respondent / Educational Institute of the proposed grounds 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, 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 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 decides to grant proposal as prayed, 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.)