

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

**(14) WRIT PETITION NO. 5228 OF 2024**

Shri Datta Shikshan Prasarak Mandal  
Through its President/Secretary & Ors. ...Petitioners  
Versus  
The State Of Maharashtra And Ors ...Respondents

**AND**

**(16) WRIT PETITION NO. 5233 OF 2024**

Abhyuday Shikshan Mandal  
Through its President/Secretary & Ors. ...Petitioners  
Versus  
The State Of Maharashtra And Ors ...Respondents

Mr. Prashant Bhavake for the Petitioners in all Writ Petitions  
Ms R. A. Salunkhe, AGP for the Respondent-State in WP/5228/2024  
Mr. V. M. Mali, AGP for the Respondent-State in WP/5233/2024

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

**DATED : 19 APRIL 2024**

**P.C.:**

- . Heard learned counsel for the parties.
2. In Writ Petition No. 5228 of 2024, Petitioner No. 1 Education

Institute, Petitioner No. 2 High School and Petitioner No. 3 (Kaustubh Mahesh Kalekar) employee are jointly challenging the Order dated 15 January 2024 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for appointment of Petitioner No. 3 as Junior Clerk is rejected.

3. In Writ Petition No. 5233 of 2024, Petitioner No. 1 Education Institute, Petitioner No. 2 School and Petitioner No. 3 (Sandip Kashinath Bhoir) employee are jointly challenging the Order dated 16 December 2023 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, THane. By said impugned Order, the approval for appointment of Petitioner No. 3 as Junior Clerk is rejected.

4. It is submitted that both the impugned orders are passed without any show cause notice and had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

5 Perused the impugned Orders. It has resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court.

6. In that view of the matter, we dispose of these petitions by directing

that the impugned orders dated 15 January 2024 and 16 December 2023 will be treated as notices to respective Petitioners of the proposed ground/s for rejection of Petitioner No. 3's proposal in respective petitions, which stand restored. If there are any other grounds on which the Respondent Education Officers intend to return or reject the proposals, they are directed to communicate the same to the respective Petitioners within a period of 3 weeks from today.

7. The Petitioners shall thereafter submit their 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 Officers are directed to decide the proposals of Petitioner No. 3 in both petitions, thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institutes as also dealing with case law/orders of this Court, by passing a reasoned orders, subject to other time bound directions. The orders will be passed keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of Judgment dated 16 April 2024 in the matter of Nitin B. Tadge Vs. State of Maharashtra in Writ Petition No. 204 of 2019 and other companion petitions.

8. We have not expressed any opinion on the Petitioners' proposals and the same shall be decided on their own merits in accordance with

law. Needless to mention that if the Respondent Education Officers proceed to grant proposals as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

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

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)