

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

WRIT PETITION NO. 2233 OF 2024

Sudhagad Education Society Pali Through
Its President And Ors

...Petitioners

Versus

The State Of Maharashtra Through The
Secretary School Education And Sports And
Ors

...Respondents

Mr. Utkarsh Desai i/b Prashant Bhavake for the Petitioners.
Ms. Neha Bhide, 'B' Panel Counsel for the Respondent/State.

SNEHA
NITIN
CHAVAN

Digitally signed by
SNEHA NITIN
CHAVAN
Date: 2024.02.23
10:52:35 +0530

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

DATE : 22 FEBRUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner No. 1 Educational Institute, Petitioner No. 2 School and Petitioner No.3 / Employee, working as Assistant Teacher are jointly challenging the Order dated 15 January, 2024 passed by Respondent No. 5 / Education Officer (Secondary), Raigad Zilla Parishad, Alibag. By said impugned Order, the approval to individual appointment of Petitioner No. 3 is rejected.

3. It is urged that impugned Order is passed without opportunity being given to the Petitioners to give appropriate and necessary explanation to reasons of rejection.

4. The Education Officer has rejected the proposal, without informing proposed grounds for the same. This has resulted in a situation where inquiry about the grounds for such decision, are required to be done first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 15 January, 2024 will be treated as notice to Petitioners including Educational Institute. The Petitioners' proposal stands restored. If there are any other grounds on which the Respondent/Education Officer intends to reject the proposal, he is directed to communicate the same to the Educational Institute within a period of 2 weeks from today.

6. The Petitioners shall thereafter submit its explanation along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. Thereafter within a period of 8 weeks, subject to other time bound directions, the Respondent/ Education Officer is directed to decide the proposal, by dealing with the explanation given by the Petitioners as also dealing with case law/ orders of this Court, by passing a reasoned order.

7. The Petitioners' proposal 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.)