

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8167 OF 2023

Shrirangdasswami Shikshan Vikas Mandal ...Petitioner
Versus

The State Of Maharashtra And Ors ...Respondents

WITH
INTERIM APPLICATION NO. 17665 OF 2023
IN
WRIT PETITION NO. 8167 OF 2023

Shrirangdasswami Shikshan Vikas Mandal ...Applicant

In the matter between:

Shrirangdasswami Shikshan Vikas Mandal ...Petitioner
Versus

The State Of Maharashtra And Ors ...Respondents

Mr. Ashish M. Verma, for Petitioner/Intervenor.

Mr. S.B. Kalae, AGP for Respondent/State.

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

DATE : 12 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner Educational Institute is challenging the Order dated 23 December 2022 passed by Respondent No. 4 / Education Officer

(Secondary), Zilla Parishad, Pune. By said impugned Order, the approval for transfer of Petitioner's employee from un-aided post to aided post as a head-master is rejected.

3. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioner-Management would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal. It is pointed out that under order dated 8 December 2023 passed by this Court in the above interim application, an ad-hoc interim arrangement is made for signing on necessary documents to enable release of salaries.

4. Perused the impugned order. It has resulted in a situation where inquiry about the grounds of rejection 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 23 December 2022 will be treated as notice to Petitioner- Educational Institute of the proposed ground/s for rejection of Petitioner's proposal, which stands restored. If there are any other grounds on which the Respondent- Education Officer intends to return or reject the proposal, he is directed to communicate the same to the Petitioner- Educational Institute within a period of 3 weeks from today.

6. The Petitioner shall thereafter submit its 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 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 proceeds to grant proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. Till any decision is taken as directed above, the ad-hoc interim arrangement as provided under order of this Court dated 8 December 2023 in Interim Application No. 17665 of 2023 shall continue.

9. The writ petition and interim application are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)