

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3988 OF 2022

Shashank Dnyanoba Acharya And Anr. ...Petitioners

Versus

The State Of Maharashtra Through The ...Respondents
Secretary, School Edu. Dept. And Ors.

SNEHA
NITIN
CHAVAN

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Mr. Narendra Bandiwadekar, Senior Advocate a/w Vinayak
Kumbhar i/b A.N. Bandiwadekar for the Petitioners.

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

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

DATE : 5 JANUARY 2024

P.C. :

. Heard the learned counsel for the parties.

2. This is yet another matter where had any indication been given to the Petitioner/Educational Institute that the Respondent-Education Inspector was proposing to reject the approval on the ground stated in the impugned Order dated 07 December 2020, the Petitioners would have pointed out certain legal and factual position. Since this is not done, the adjudication of the Petitioners' case falls on this ground. Such course of action adopted by the Educational authority is taking substantial judicial time of this Court.

3. We, therefore, direct that the impugned order shall be considered as a prima facie opinion of the Education Inspector calling upon the Petitioner/Management to put forth their say. The proposal submitted by the Petitioners stands restored to the file of the Education Inspector.

4. The learned counsel for the Petitioners submits that written response, annexing relevant Government Resolution, judicial pronouncement would be submitted to the Education Inspector within a period of 4 weeks thereafter. There upon the Education Inspector would deal with the written response of the Petitioners, also Judgments, if any, cited and pass a reasoned order within a period of 8 weeks thereafter subject to earlier time bound directions.

5. If the Education Officer does not communicate any further proposed ground for rejection within a period of 2 weeks from today, we will consider that no other ground exists and the only ground of rejection is stated in the impugned order. The Petitioners would wait for a period of 2 weeks as above and thereafter submit a representation.

6. Writ Petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)