

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4916 OF 2023

Kum. Kavita Pramod Rathod And Anr.

...Petitioners

Versus

The State Of Maharashtra Through Its
Principle Secretary, School Education
Department, Mantralaya, Mumbai And Ors.

...Respondents

.....

Mr. Shrirang Katneshwarkar, Advocate for Petitioners.

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

.....

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

DATE : 16 JANUARY 2024

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date: 2024.01.22
19:41:04 +0530

P.C.:

. Heard learned counsel for the parties.

2. Petitioners/Employees, working as Assistant Teachers with Respondent No. 4 School run by Respondent No. 3 Management, is challenging the Orders dated 30 January 2023 passed by same Respondent No. 2 / Education Officer, Zilla Parishad, Solapur. By said impugned Orders, the approval for Petitioners' appointment as Assistant Teacher is refused. Learned counsel for the Petitioners states on instructions that Respondent Nos. 3 & 4 are supporting the cause of the Petitioners till today. We proceed on the basis of said

statement.

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

4. Education Officer has directly rejected the proposals, without informing proposed grounds of rejection. This 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 orders dated 30 January 2023 will be treated as notices to Respondent / Educational Institute of the proposed ground of rejection. The Petitioners' proposals stand restored. If there are any other grounds on which the Education Officer intends to reject the proposals, 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 including government resolutions, case laws / orders of this Court etc. if relied upon. The Respondent / Education Officer is directed to decide the proposals 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 orders, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposals 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 approval as sought, 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.)