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

**WRIT PETITION NO. 5048 OF 2024**

Amit Ashok Shinde And Anr. ...Petitioners  
Versus  
The State Of Maharashtra And Ors. ...Respondents

Mr. Sagar A Mane for the Petitioners.  
Mr. S. H. Kankal, AGP for the Respondent Nos. 1 to 3 - State

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

**DATED : 15 APRIL 2024**

**P.C.:**

. Heard learned counsel for the parties.

2. Petitioner No. 1-Employee and Petitioner No. 2-Education Institute are jointly challenging the Order dated 15 April 2021 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad, Pune. By said impugned Order, the approval for appointment of Petitioner No. 1 as Junior Clerk is rejected.

3. It is submitted that the impugned order is passed on Management's letter dated 15 March 2021, which was a reminder about proposal dated 3

May 2017. It is further submitted that impugned order is 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.

4. Perused the impugned Order, which has in fact rejected proposal itself. It has also 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 15 April 2021 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioners' proposal dated 3 May 2017, which stands restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the said proposal, he is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

6. The Petitioners 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 of Petitioner No. 1 dated 3 May 2017 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 Petitioners' 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. The writ petition is disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)