

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6169 OF 2017

Anjali Pandit Jadhav

...Petitioner

Versus

Head Master, Shri. Taramata Prathmik
School And Ors.

...Respondents

Mr. Nilesh Wable i/b U.R. Mankapure for the Petitioner.

Mr. Shubham Kanade for the Respondent Nos. 1 and 2.

Mr. Anand Kulkarni for Respondent No.3

Mr. M.M. Pabale, AGP for Respondent No.4/State.

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

DATE : 16 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as Assistant Teacher with Respondent No. 1 School run by Respondent No. 2 Management, is challenging the Order dated 9 February 2017 passed by Respondent No. 3 / Education Officer, Zilla Parishad, Solapur. By said impugned Order, the approval for appointment of the Petitioner as *Shikshan Sevak* is refused. Learned counsel for Respondent Nos. 1 & 2 stated that the management is supporting the cause of the Petitioner. We

proceed on the basis of said statement.

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

4. Education Officer has directly rejected the proposal, 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 order dated 9 February 2017 will be treated as notice to Respondent/Educational Institute of the proposed ground of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Education Officer intends to reject the proposal, 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 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 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.)