



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5224 OF 2024

Sou. Rashmi Sandesh Raut (Nee Rashmi
Prabhakar Kathe)

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

AND

WRIT PETITION NO. 5227 OF 2024

Rohit Krishnat Karande

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

AND

WRIT PETITION NO. 5232 OF 2024

Ranjeet Vilas Patil

...Petitioner

Versus

The State Of Maharashtra and Ors

...Respondents

WRIT PETITION NO. 5234 OF 2024

Shweta Ananta Sarawate

...Petitioner

Versus

The State Of Maharashtra And Ors

...Respondents

Mr. Prashant Bhavake for the Petitioners in all Writ Petitions
Mr. Utkarsh Desai for the Respondent Nos. 6 & 7 in WP/5224/2024,
WP/5227/2024, WP/5232/2024 and WP/5234/2024
Mr. S. B. Kalel, AGP for the Respondent-State in WP/5224/2024
Mr. S. H. Kankal AGP for the Respondent-State in WP/5227/2024 &

WP/5234/2024

Mr. M. M. Pabale, AGP for the Respondent-State in WP/5232/2024

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

DATED : 19 APRIL 2024

P.C.:

. Heard learned counsel for the parties.

2. In Writ Petition No. 5224 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 5 June 2023 passed by Respondent No. 5 / Education Officer (Secondary), Raigad Zilla Parishad, Alibag. By said impugned Order, the approval for Petitioner's appointment as Junior Clerk is rejected.

3. In Writ Petition No. 5227 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 25 November 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for Petitioner's appointment as Junior Clerk is rejected.

4. In Writ Petition No. 5232 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 16 November 2022 passed by

Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned Order, the approval for Petitioner's appointment as Junior Clerk is rejected.

5. In Writ Petition No. 5234 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 8 September 2022 passed by Respondent No. 5 / Education Officer (Secondary), Raigad Zilla Parishad, Alibag. By said impugned Order, the approval for Petitioner's appointment as Junior Clerk is rejected.

6. Learned counsel for the Respondent Nos. 6 & 7 - Management in all petitions states that there is no internal dispute in the Managements and they are supporting the cause of the respective Petitioners.

7. It is submitted that the impugned orders are passed without any show cause notice and had an opportunity been given, the Petitioners / Respondent Managements would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposals.

8. Perused the impugned Orders. They have resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court.

9. The Division Bench of this Court in the decision of *Nitin B. Tadge Vs. State of Maharashtra*¹ and other companion petitions after

¹ Writ Petition No. 204 of 2019, order dated 16 April 2024

considering that in large number of cases Petitions are filed making a similar grievance, has issued the directions as under: :

“PART- II

A. (i) We direct that upon receipt of a proposal seeking approval, the Educational Authority, as per the methodology laid down in the Government Resolution dated 6 February 2012, will communicate the shortfalls/objections in the proposal submitted by the Management/Employer as the case may be calling for explanation giving them reasonable time. Upon receipt of such explanations, the Educational Authority will examine the explanation and pass a reasoned order.

(ii) If any judicial pronouncement is cited regarding the shortfalls/ objections in the explanation, then in the reasoned order, the Educational Authority will specifically address the legal position laid down by the said judicial pronouncement.

(iii) It is emphasized that avoiding referring to and avoiding considering the legal position laid down in the judicial pronouncement would be viewed seriously and may result in action under the contempt jurisdiction of this Court.”

10. In that view of the matter, we dispose of these petitions by directing that the aforesaid impugned orders will be treated as notices to respective Respondents / Educational Institutes of the proposed ground/s for rejection of Petitioners’ proposals, which stand restored. If there are any other grounds on which the Respondent Education Officers intend to return or reject the proposals, they are directed to communicate the same to the respective Respondents / Educational Institutes within a period of

3 weeks from today.

11. The Respondent Educational Institutes shall thereafter submit their 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 Officers are directed to decide the proposals thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institutes as also dealing with case law/orders of this Court, by passing a reasoned orders, subject to other time bound directions. The order may be passed keeping in view the directions are above.

12. 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 Officers proceed to grant proposal/s as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

13. The writ petitions are disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)