

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10478 OF 2023

Sachin Suresh Jadhav

...Petitioner

Versus

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

...Respondents

.....

Mr. Nikhil Wage, Advocate for Petitioner.

Mr. S.B. Kalel, AGP for Respondent-State.

.....

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

DATE : 15 JANUARY 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner working as Assistant Teacher with Respondent No. 4 Management, is challenging impugned Order dated 14 December 2022 passed by Respondent No. 2 - Education Officer, Zilla Parishad, Pune, by which approval to transfer of Petitioner from unaided to aided post is returned/rejected. Learned counsel for the Petitioner states on instructions that Respondent No. 4 is supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is submitted that the Respondent Education institute had given necessary explanations to objections / queries earlier raised by the Education Officer. But ultimately the impugned Order is passed on some other objections and if opportunity was given or notice was issued informing such objections, the Petitioner and the Respondent Management would have certainly given explanation about such grounds also.

4. In view of the aforesaid, it is not necessary to enter into inquiry about the grounds of rejection/return of proposal in the impugned Order, for the first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 14 December 2022 shall be treated as notice to the Respondent Educational Institute of the proposed grounds of return/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, which shall thereafter submit its explanation to the proposed grounds of return/rejection, along with supporting material and case laws / GRs / Orders of this Court, if relied upon.

6. Thereafter, the Respondent Education Officer is directed to decide the Petitioner's proposal, 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, within a period of 8 weeks, 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, 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.)