

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

WRIT PETITION NO. 16741 OF 2023

P.P.Kharpatil Education Society and Others ... Petitioners

versus

The State of Maharashtra and Others ... Respondents

.....

Mr.Prashant Bhavake for the Petitioner.

Mr.V.M.Mali, AGP for Respondent Nos. 1 to 5-State.

.....

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

DATE : 4 JANUARY 2024

P.C.:

Heard the learned Counsel for the parties.

2. Petitioner No.3 is working as a Shikshan Sevak in Petitioner No.2 school run by Petitioner No.1- Education Society. The Petitioners are aggrieved by the order of rejection of the proposal submitted by the Petitioners for approval to the appointment of Petitioner No.3.

3. The learned Counsel for the Petitioners contends that had an opportunity been given to the Petitioners, the Petitioners would have pointed out that the Petitioners have explanation for all the grounds

stated in the impugned order and some of the grounds are not tenable in view of the law laid down by the Court.

4. This grievance is correct. By passing orders without dealing with the explanation or giving an opportunity to those who have submitted the proposals would mean that their explanations have to be considered at the first instance by this Court whereby substantial judicial time has to be invested.

5. In these circumstances, we direct that the impugned order dated 9 September 2022 passed by Respondent No.5- Education Officer (Secondary) shall be treated as a notice to the Petitioners of the proposed grounds for rejection and calling upon the Petitioners to submit an explanation. The Petitioners will submit the explanation to the grounds stated in the impugned order dated 9 September 2022 which is directed to be treated as notice. The Petitioners shall do so within a period of four weeks from today. If the Petitioners intend to rely upon any decision of the Court, then the Petitioners will annex the same to the reply. Thereupon, the Education Officer will deal with the explanation given by the Petitioners and the decisions which the Petitioners have cited. Thereafter, the Education Officer pass a detailed order dealing with the same.

6. Needless to state that if the Education Officer is satisfied with the explanation given by the Petitioners, then the Education Officer proceed to pass an order of granting approval and also issue consequential directions regarding entry in the Shalarth software as per the governing rules and regulations. Let the exercise of passing an order be completed within 8 weeks after the explanation is so submitted by the Petitioners.

7. With these observations, the writ petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)