

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12303 OF 2023

Raigad Shikshan Prasarak Mandal Through Its
President/secretary And Anr.

...Petitioners

Versus

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

...Respondents

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Mr. Utkarsh Desai i/b. Mr. Prashant Bhavake, Advocate for
Petitioners.

Mr. V.M. Mali, AGP for Respondent-State.

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

DATE : 15 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Management, Petitioner No. 2 School and
Petitioner No. 3 / Assistant Teacher are jointly challenging the Order
dated 27 September 2022 passed by Respondent No. 5 / Education
Officer, Zilla Parishad, Raigad. By said impugned Order, the
approval for appointment of the Petitioner No. 3 on the unaided
post of Assistant Teacher is refused.

3. It is submitted that, had an opportunity been given, the Petitioners would have given appropriate and necessary explanations to all the reason stated in impugned Order for rejection.

4. This is yet another matter, where Education Officer has unilaterally rejected the proposal, without informing objections or grounds of rejection. This is leading to unnecessary litigation which takes precious judicial time of this Court because an 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 27 September 2022 shall be treated as notice to the Educational Institute of the proposed grounds of rejection. The Petitioners' 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 Educational Institute within a period of 3 weeks from today.

6. The Educational Institute shall thereafter submit its explanation to the proposed grounds of rejection, along with supporting material and case laws / GRs / Orders of this Court, if relied upon. The Respondent Education Officer is directed to decide the proposal thereafter, by dealing with the explanation given by the Educational Institute as also dealing with case laws/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 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 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.)