

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 184 OF 2024

Kuldeep Damodar Mane

...Petitioner

Versus

The State Of Maharashtra Thr.
Secretary School Education And Sports
Dept. And Ors.

...Respondents

Mr. Prashant Bhavake for the Petitioner.

Mr. M.M. Pabale, AGP for the Respondents/State.

SNEHA
NITIN
CHAVAN

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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. The Petitioner/Employee, working as Junior Clerk with Respondent No. 7 & 8 Schools run by Respondent No. 6 Management, is challenging the Order dated 4 July 2019 passed by Respondent No. 5 / Education Officer, Zilla Parishad, Alibaug. By said impugned Order, the approval for appointment of the Petitioner is refused. Learned counsel for the Petitioner states on instructions that Respondent Nos. 6 to 8 are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is submitted that, Respondent No. 5 had rejected the proposal earlier against which the Petitioner had filed WP/1071/2018 in which by Order dated 26 March 2019, this Court had directed to reconsider the proposal. It is further submitted the impugned Order has been passed, without considering the said earlier order in proper perspective. 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. This is yet another case, requiring an inquiry about the grounds of rejection, 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 4 July 2019 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, 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, 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.)