

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

WRIT PETITION NO. 116 OF 2024

Chiplun Education Society, Chiplun and Ors ...Petitioners

Versus

The State Of Maharashtra and Ors. ...Respondents

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PATIL

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.....
Mr. Prashant Bhavake for the Petitioners.

Mr. M.M. Pabale AGP for Respondent-State.

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

DATE : 9 JANUARY 2024

P.C.:

1. Heard learned counsel for the parties. Petitioners have filed this petition challenging the order dated 20 December 2022 passed by Respondent No. 5-Education Officer. By the impugned order, Education Officer has rejected the proposal, relying on Government resolution dated 10 June 2022 and stating that the same proposal was submitted later than three months and therefore it is being returned. There is no other reason in the impugned order.

2. Government resolution dated 10 June 2022 is on record. It refers to improving procedure for granting approval and

inclusion of data in the centralised portal. In clause 1.4 methodology in respect of the appointments made prior to Government Resolution and for those approval is not granted till date of the Government Resolution is laid down. This stipulates that the proposal needs to be submitted within period of 3 months. There is a reference to non consideration of such proposal after period of 3 months.

3. Learned counsel for the Petitioners states that there are justifiable reasons as to why and how limit of three months was crossed stating that proposals were submitted before period of 3 months were not taken cognizance of. This is a factual aspect. Learned counsel for Petitioners is right in contending that if this stipulation was to be put against the Petitioners, had the Petitioners been given an opportunity, this fact would have been explained. Also it is his contention that this clause 1.4 does not apply. Further there is no decision on merits of the submissions of the approval.

4. *Prima facie*, perusal of the Government Resolution would indicate that such proposals should be submitted within a period of 3 months otherwise grant of approval would relate back burdening the exchequer and therefore a time limit is provided for. If that be the interpretation of the Government Resolution, suitable orders can be passed in respect of the delay exceeding 3

months. Since this aspect has not been considered and also decision is not taken on merits, we dispose of the Writ Petition as under.

5. The impugned order shall be treated as a show cause notice to the Petitioners and not a rejection order. Respondent-Education Officer within a period of 3 weeks will submit grounds of objections, if any, in respect of the proposal on merits. Upon receipt of the same, Petitioners will submit explanation to the earlier order (show cause notice) and additional grounds, if any. After submission of the explanation, the Education Officer to take appropriate decision within a period of 8 weeks giving reasons, subject to earlier time bound directions. In case Petitioner is to be granted the approval, further consequential steps be taken as per law.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)