

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8457 OF 2022
WITH
WRIT PETITION NO. 8459 OF 2022

Bhambed Panchkroshi Shikshan Sanstha
Ratnagiri And Ors. ...Petitioners

Versus

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

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Mr. Prashant Bhavake, Advocate for Petitioner in both Petitions.
Ms. A.A. Purav, AGP for Respondent/State in WP/8457/2022.
Mr. S.H. Kankal, AGP for Respondent/State in WP/8459/2022.

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

DATE : 16 JANUARY 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Management, Petitioner No. 2 College and
Petitioner No. 3 – employee in both petitions, are jointly
challenging the Order dated 11 April 2022 passed by same
Respondent No. 5 / Education Officer, Zilla Parishad, Ratnagiri. By
said impugned Orders, the approvals for appointment of the
Petitioners as *Shikshan Sevak* are refused.

3. It is submitted that, had an opportunity been given, the Petitioners would have given appropriate and necessary explanations to reasons of rejection.

4. This is yet another matter, in which Education Officer has directly rejected the proposals, without informing proposed grounds of rejection. This has resulted in a situation where 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 these petitions by directing that the impugned orders dated 11 April 2022 will be treated as notices to Petitioner Educational Institute of the proposed grounds of rejection. The Petitioners' proposals stand restored. If there are any other grounds on which the Education Officer intends to reject the proposals, he is directed to communicate the same to the Petitioner 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, Government Resolutions, case laws / orders of this Court etc. if relied upon. The Respondent / Education Officer is directed to decide the proposals 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 orders, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposals 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 approvals, the aforesaid procedure/directions will not apply.

8. The writ petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)