

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2032 OF 2022

Vikas Shivaji Sonawane

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

WITH
WRIT PETITION NO. 2034 OF 2022

Pandit Vasant Jadhav

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

WITH
WRIT PETITION NO. 2037 OF 2022

Vaishali Yashwant Kakade

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

WITH
WRIT PETITION NO. 2040 OF 2022

Rahul Prabhakar Bhamare

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

WITH
WRIT PETITION NO. 2039 OF 2022

Popat Sukdeo Pagar

...Petitioner

Versus

The State Of Maharashtra And Ors.

...Respondents

Mr. Narendra V. Bandiwadekar, Senior Advocate a/w. Vinayak Kumbhar, Rajendra B. Khaire, Aniket Phapale i/b. Ashwini N. Bandiwadekar, for Petitioners.

Ms. Rupali Shinde, AGP for Respondent Nos.1 & 2.

Mr. C.G. Gavnekar a/w. Rohit Purab for Respondent Nos.3 & 4.

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

DATE : 22 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioners/ employees working with Respondent No. 4 Schools run by common Educational Institute- Respondent No.3, are challenging common order dated 23 February 2018 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Nasik. By said impugned order, the approvals to Petitioners's appointment as Shikshan Sevak is rejected. Learned counsel for the Respondent No. 3 fairly states that there is internal dispute in the Management. We have not gone into that aspect.

3. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioners / Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for

rejecting proposal. It is further submitted that Respondent Education Officer has filed affidavit in reply taking a certain stand about common impugned order, which cannot be sustained in law.

4. Perused the impugned order and the affidavit in reply. It 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 common impugned order dated 23 February 2018 will be treated as notice to Petitioners and Respondent / Educational Institute of the proposed ground/s for rejection of Petitioners' proposals, which stand restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposals, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today. The opinion or stand taken in affidavit in reply by Education Authority will also be treated as *prima facie* opinion.

6. The Petitioners and Respondent- Educational Institute shall thereafter submit its explanation to the proposed grounds, along with supporting material including 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 Petitioners and 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 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 proposal as prayed, consequent benefits and orders will follow, and in that case, 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.)