

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

WRIT PETITION NO. 1800 OF 2022

Ganesh Kashinath Salunkhe ...Petitioner
Versus
The State Of Maharashtra And Ors ...Respondents

**WITH
WRIT PETITION NO 4460 OF 2022**

Manoj Manohar Jadhav ...Petitioner
Versus
The State Of Maharashtra And Ors ...Respondents

**WITH
WRIT PETITION NO 9877 OF 2022**

Dinesh Dattaram Zagade ...Petitioner
Versus
The State Of Maharashtra And Ors ...Respondents

**WITH
WRIT PETITION NO 187 OF 2024**

Rohitrao Sarjerao JambhalePetitioner
Versus
The State Of Maharashtra And Ors ...Respondents

**WITH
WRIT PETITION NO 16161 OF 2023**

Atul Arun Surmukh	...Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

**WITH
WRIT PETITION NO 9230 OF 2022**

Shri Mahesh Ramesh Giri	...Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

**WITH
WRIT PETITION NO 9269 OF 2022**

Smt. Smita Anant Gaikwad	Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

**WITH
WRIT PETITION NO 9273 OF 2022**

Naresh Vijay Matvankar	Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

**WITH
WRIT PETITION NO 12314 OF 2019**

Smt. Deepali Amit Shinde (Nee Kanhopatra Maruti Gade)	...Petitioner
Versus	
The State Of Maharashtra And Ors	...Respondents

Mr Prashant Bhavake for the Petitioners in all Petitions.

Mr. Sushant A. Khatake i/b. Mr. Utkarsh S. Desai for the Respondent Nos. 6 & 7 in all Petitions

Mr. M. M. Pabale, AGP for the Respondent Nos 1 to 3 in WP/1800/2022 and WP/4460/2022.

Mr. S. B. Kalel, AGP for the Respondent Nos. 1 to 3 in WP/9877/2022 and WP/187/2024.

Mr. N. M. Mehta, AGP for the Respondent Nos. 1 to 3 in WP/16161/2023 and WP/9230/2022.

Mr. V. M. Mali, AGP for the Respondent Nos. 1 to 3 in WP/9269/2022

Ms M. S. Bane, AGP for the Respondent Nos. 1 to 3 in WP/9273/2022

Ms R. A. Salunkhe, AGP for the Respondent Nos. 1 to 3 in WP/12314/2019

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

DATED : 3 APRIL, 2024

P.C.:

. Heard learned counsel for the parties. These petitions involve common argument about impugned orders and hence being disposed off by common order. Necessary details for passing common order are as below.

W.P. No.	Management/ Respondent Nos.	Proposal for approval to appointment of Petitioner as	Impugned Order dated	Impugned Order passed by
WP/ 1800/2022	6. Gramin Vikas Shikshan Sanstha 7. Swa. Dadasaheb Undalkar Madhya. Vidyalaya, Undale	Junior Clerk	16-11-2018	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Satara

W.P. No.	Management/ Respondent Nos.	Proposal for approval to appointment of Petitioner as	Impugned Order dated	Impugned Order passed by
WP/ 4460/2022	6. Vyapari Paisa Fund Society 7. Paisa Fund English School and Junior College of Science, Ratnagiri	Junior Clerk	6-5-2020	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Ratnagiri
WP/ 9877/2022	6. Nayashi, Kalambhushi Va Vaderu Panchkroshi Shikshan Prasarak Mandal 7. H.B.P Shri A.B. Sawant Madhyamik Vidyalaya, Chiplun	Junior Clerk	3-12-2021	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Ratnagiri
WP/ 187/2024	6. Ashoka Shikshan Sanstha 7. Hira- Ram Girls High School, Ichalkaranji	Junior Clerk	16-11-2022	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Kolhapur
WP/ 16161/202 3	6. Mayani Bhag Shikshan Prasarak Mandal 7. Vatsalabai Gudage Kanya Prashala, Mayani	Lab. Assistant	27-9-2022	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Satara
WP/ 9230/2022	6. Mandangad Taluka Vikas Mandal 7. Dr. Babasaheb Ambedkar High School & Junior College, Mandangad	Shikshan Sevak	31-10-2018	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Ratnagiri

W.P. No.	Management/ Respondent Nos.	Proposal for approval to appointment of Petitioner as	Impugned Order dated	Impugned Order passed by
WP/ 9269/2022	6. Mandangad Taluka Vikas Mandal 7. Dr. Babasaheb Ambedkar High School & Junior College, Mandangad	Shikshan Sevak	31-10-2018	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Ratnagiri
WP/ 9273/2022	6. Mandangad Taluka Vikas Mandal 7. Dr. Babasaheb Ambedkar High School & Junior College, Mandangad	Shikshan Sevak	31-10-2018	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Ratnagiri
WP/ 12314/201 9	6. Arunakhore Panchkoshi Shikshan Sanstha (Het) 7. New English School, Het	Shikshan Sevak	17-5-2019	Respondent No. 5- The Education Officer (Secondary), Zilla Parishad, Sindhudurg

2. Respective petitioners/ employees working with respective Respondent Management / School, are challenging the respective impugned Orders under which, their respective proposals are rejected by the respective Respondent Education Officers. Learned counsel for the Petitioners state that there is no internal dispute in the respective Respondent Managements and they are supporting the cause of the Petitioners. We proceed on the basis of said statement.

3. It is submitted that the impugned orders are passed without any show cause notice and had an opportunity been given, the respective Petitioners / Respondent Managements would have given appropriate and necessary explanation/s to reasons stated in impugned orders for rejecting proposals. It is further submitted that in Writ Petition Nos. 9230/22, 9269/22 and 9273/22, the Petitioners were given specific notice of hearing on 31 October 2018 but without specifying objections and when the concerned Petitioners and common Management went to attend the meeting, without giving opportunity, the impugned orders were passed.

4. Perused the impugned Orders. They have 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 following order.

A) The respective impugned orders will be treated as notices to respective Respondent Managements of the proposed ground/s for rejection of Petitioners' proposals, which stand restored. Also affidavits of reply filed by the respective education authorities, if any, will be treated as their prima facie opinions.

B) If there are any other grounds on which the respective Respondent

Education Officers intend to return or reject the proposals, they are directed to communicate the same to the respective Respondent Managements within a period of 3 weeks from today.

- C) Respective Respondent Managements shall thereafter submit their explanation to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon.
- D) Respective Respondent Education Officers are directed to decide the Petitioners' proposals thereafter within a period of 8 weeks, by dealing with the explanation given by the Managements as also dealing with case law/orders of this Court, by passing a reasoned orders, subject to other time bound directions.
- E) 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 respective Respondent Education Officers proceed to grant proposals as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.
- F) The writ petitions are disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)