

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 11340 OF 2022

Janata Shikshan Prasarak Mandal Through Its
President And Ors.

...Petitioners

Versus

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

...Respondents

.....

Mr. Prashant Bhavake, Advocate for Petitioner.

Ms. R.A. Salunkhe, AGP for Respondent Nos. 1 to 5-State in
WP/11340/2022.

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

DATE : 15 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 Management, Petitioner No. 2 School and
Petitioner No. 3 / Peon working with them, are jointly challenging
the Order dated 28 March 2022 passed by Respondent No. 5 /
Education Officer, Zilla Parishad, Kolhapur. By said impugned
Order, the approval for appointment of the Petitioner No. 3 on the
post of Peon on compassionate basis is rejected.

3. It is submitted that, had an opportunity been given, the Petitioners would have given appropriate and necessary explanations to all the reason/s stated in impugned Order for rejection.

4. This is yet another matter, where Education Officer has unilaterally rejected the proposal, without informing objections or grounds of rejection. This is leading to situation taking judicial time of this Court because an 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 this petition by directing that the impugned order dated 28 March 2022 shall be treated as notice to the Educational Institute of the proposed grounds of rejection. The Petitioners' 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 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 and case laws / GRs / Orders of this Court, if relied upon. The Respondent Education Officer is directed to decide the proposal thereafter, by dealing with the explanation given by the Educational Institute as also dealing with case laws/orders of this Court, by passing a reasoned order, within a period of 8 weeks, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' 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.)