

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 15112 OF 2023

Mr. Mahir Anwar Shaikh

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Chetan Patil i/b Mandar Bagkar for the Petitioner.

Mr. S.H. Kankal, AGP for the Respondent/State.

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NITIN
CHAVAN

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

DATE : 20 MARCH 2024

P.C. :

. Heard learned counsel for the parties.

2. The Petitioner/ employee working with Respondent No. 5 School run by Respondent No. 4/Educational Institute, is challenging the Order dated 8 May 2023 passed by Respondent No.3/ Education Inspector, Brihanmumbai, West Division. By said impugned Order, the approval to Petitioner's appointment as Junior Clerk is rejected. The learned counsel for the Petitioner states on instructions that there is no internal dispute in the Respondent Management and they are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioner / Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal. It is further submitted that one of the reasons of rejection is stay order passed by this Court in Writ Petition No. 5058 of 2021 along with connected petition.

4. Perused the impugned Order. It has resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court. Also under Order dated 6 February 2024, passed by this Court, the said Writ Petition No. 5058 of 2021 alongwith Writ Petition No. 8007 of 2021 have been disposed off and interim stay / order granted therein have also come to an end.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 8 May 2023 will be treated as notice to the Respondent / Educational Institute of the proposed ground/s for rejection of Petitioner's proposal, which stands restored. If there are any other grounds on which the Respondent Education Inspector intends to return or reject the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

6. The 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 Inspector is directed to decide the proposal 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 order, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioner's proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent/ Education Inspector 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 petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)