

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 8367 OF 2022

Siddique Kabir Shaikh

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

.....

Mr. Mandar G. Bagkar i/b. Mr. Chetan G. Patil, for Petitioner.

Ms. Neha Bhide, 'B' Panel Counsel a/w. Ms. Nisha Mehra, AGP for Respondent/State.

.....

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

DATE : 24 JANUARY 2024

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NADAF
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P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as Peon with Respondent No. 5 Minority Institute / School run by Respondent No. 4 Management, is challenging the Order dated 14 September, 2020 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad Pune. By said impugned Order, it is communicated that the proposal of approval to appointment of Petitioner as Peon can not be processed. Learned counsel for the Petitioner states on instructions that Respondent Nos. 4 & 5 are supporting the cause of the

Petitioner till today. We proceed on the basis of said statement.

3. It is urged that impugned Order is passed without opportunity being given to the Petitioner and/or Respondent Management to give appropriate and necessary explanation to reasons of rejection. It is further submitted that since the school involved is minority institute, Petitioner is entitled to approval as sought.

4. The Education Officer has simply shown inability to process the proposal, without informing proposed grounds for the same. This has resulted in a situation where inquiry about the grounds for such decision, 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 14 September, 2020 will be treated as notice to Respondent / Educational Institute of the proposed ground of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Respondent Education Officer intends to reject the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of 2 weeks from today.

6. The Respondent Educational Institute shall thereafter submit its explanation along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon.

Thereafter within a period of 8 weeks, subject to other time bound directions, the Respondent Education Officer is directed to decide the proposal, 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.

7. The Petitioner's proposal shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Education Officer decides to grant proposal as prayed, consequent grant of Shalarth ID 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.)