

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12414 OF 2023

Arun Ramchandra Kate

...Petitioner

Versus

State Of Maharashtra And Ors.

...Respondents

Ms. Pavitra Manesh for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Ms. Rupali Shinde, AGP for the Respondent/State.

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**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.
DATE : 7 MAY 2024**

P.C. :

. The Petitioner has challenged the order passed by the Deputy Director of Education, Kolhapur dated 14 July 2023 refusing to grant approval for appointment of Petitioner from partly aided to aided section.

2. The learned counsel for the Petitioner points out that the identical Writ Petition No. 1182 of 2024 and others in which Judgment was passed on 16 April 2024, pertains to the same Management. Operative portion of the Judgment, is as under:

iv) Writ Petition No.1182/2024:

The impugned order dated 14 July 2023 rejecting the proposal for permission to transfer from unaided to aided division is quashed and set aside. The Respondent

Deputy Director of Education is directed to process the proposal submitted by the Respondent- Management and pass necessary orders within four weeks, keeping in mind the observations made in Part-II of the judgment.

The relevant portion of Part II of the Judgment is as under:

“PART- II

A. (i) We direct that upon receipt of a proposal seeking approval, the Educational Authority, as per the methodology laid down in the Government Resolution dated 6 February 2012, will communicate the shortfalls/objections in the proposal submitted by the Management/Employer as the case may be calling for explanation giving them reasonable time. Upon receipt of such explanations, the Educational Authority will examine the explanation and pass a reasoned order.

(ii) If any judicial pronouncement is cited regarding the shortfalls/ objections in the explanation, then in the reasoned order, the Educational Authority will specifically address the legal position laid down by the said judicial pronouncement.

(iii) It is emphasized that avoiding referring to and avoiding considering the legal position laid down in the judicial pronouncement would be viewed seriously and may result in action under the contempt jurisdiction of this Court.”

The same methodology and order as reproduce above will be order and directions in this petition as well.

3. Writ Petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)