

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

WRIT PETITION NO. 2340 OF 2023

Dadaji Shamrao Bhadane

...Petitioner

Versus

The State of Maharashtra & Ors

... Respondents

AND

WRIT PETITION NO. 5077 OF 2024

Bhagwan Keda Gharate

...Petitioner

Versus

The State of Maharashtra & Ors

....Respondents

Mr. Narendra V. Bandiwadekar a/w. Adv. Vinayak Kumbhar, Adv. Rajendra Khaire, Adv. Aniket Phapale i/b. Mrs Ashwini Bandiwadekar, for the Petitioners in both the WPs

Mr. Ashutosh Gavnekar a/w. Mr. Rohit Parab i/b. Mr. Gavnekar for the Respondent No. 3.

Ms. Ashwini A. Purav, AGP for the Respondent Nos. 1, 2 and 4 in the WP/2340/2023

Mr. V. M. Mali, AGP for the Respondent Nos. 1, 2 & 5 in WP/5077/2024.

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

DATED : 12 APRIL 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioners/employees working with Respondent No. 4 Schools run

by common Educational Institute-Respondent No.3, are challenging common order dated 23 February 2018 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Nasik. By said impugned order, the approvals to Petitioners's appointment as Shikshan Sevak is rejected. Learned counsel for the Respondent No. 3 fairly states that there is internal dispute in the Management. We have not gone into that aspect.

3. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioners/ Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

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.

5. In that view of the matter, we dispose of these petitions by directing that the common impugned order dated 23 February 2018 will be treated as notice to Petitioners and Respondent/Educational Institute of the proposed ground/s for rejection of Petitioners' proposals, which stand restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposals, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

6. The Petitioners and 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 Officer is directed to decide the proposals thereafter within a period of 8 weeks, by dealing with the explanation given by the Petitioners and 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 Petitioners' proposals 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 proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. The writ petitions are disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)