

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

WRIT PETITION NO. 10542 OF 2022

Anujman Moinut Tulba through the
Chairman and Ors.

...Petitioners

Versus

State of Maharashtra and Ors.

...Respondents

Mr. N. R. Bubna a/w. Ms Pooja Malik, Ms Drishti Saigal for the
Petitioners

Ms Nisha Mehra, AGP for the Respondent Nos. 1 and 2

Mr. Rohit Sakhadeo for the Respondent No. 3

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

DATED : 12 APRIL 2024

P.C.:

1. The Petitioner-Management and four of its employees have filed this Petition challenging the order passed by the Education Officer (Primary), Zilla Parishad, Nashik dated 3 December 2016 extending grant phasewise and secondly the communication issued by the Education Officer (Primary) to the Respondent No. 4 – Pay Unit of the Zilla Parishad, Nashik.

2. As regards, the second issue, the communication dated 15 June 2022 is an internal communication. Since, there is no specific order

issued to the Petitioner-Management by the Education Officer and unilaterally the approval has been changed from 2013 to 2016, if the Respondent-Education Officer intended to pass this order, least the said authority should have done is to put the Petitioners to notice of this change.

3. We are of the opinion that the Education Officer (Primary) should give an opportunity to the Petitioners to explain about the said change of the dates. The Education Officer will issue notice to the Petitioners stating out reasons as to why the change is warranted. The Petitioners will thereafter submit their explanation.

4. Let the notice be issued by the Education Officer within a period of three weeks with explanation by the Petitioners within a period of three weeks thereafter and final decision to be taken by the Education Officer with reasons within a period of three weeks thereafter.

5. The Education Officer will deal with all the contentions raised in the explanation. We have not deemed to have decided the issue of jurisdiction of the Education Officer as it is sought to be contended before us by the Petitioners that the Education Officer will not have power of review. The Education Officer will deal with this contention of the Petitioners as well.

6. As regards, the challenge to the order dated 3 December 2016 is concerned, it is open for the Petitioners to make representation to the

Deputy Director of Education and if the representation is made within a period of 4 weeks, the Deputy Director of Education will decide the same within a period of 8 weeks thereafter on its own merits, subject to earlier time bound commitments and pressing public duties.

7. The Writ Petition is accordingly disposed of.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)