

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 8441 OF 2021

Yuvraj Pandit Sawant

...Petitioner

Versus

The State of Maharashtra through Principal
Secretary Department of School Education,
Mantralaya, Mumbai and Ors.

...Respondents

.....

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

Mr. S.H. Kankal, AGP for Respondent Nos. 1 to 3.

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

DATE : 7 FEBRUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working with Respondent No. 5 School run by Respondent No. 4 Management, is challenging the order dated 28 April 2021 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By said impugned order, the approval for Petitioner's appointment as Junior Clerk is refused. 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 had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation to reasons stated in impugned order for refusal.

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 this petition by directing that the impugned order dated 28 April 2021 will be treated as notice to Respondent / Educational Institute of the proposed ground/s for rejection of Petitioner's proposal. The Petitioner's proposal stands restored. If there are any other grounds on which the Respondent Education Officer intends to return/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 Officer 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 laws /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 Officer decides to grant proposal as prayed, Shalarth ID allotment will follow consequently 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.)