

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3736 OF 2023

Sanjay Baliram Patil & Anr

...Petitioners

Versus

The State of Maharashtra & Ors

...Respondents

Mr Narendra Bandiwadekar, Senior Advocate a/w. Mr. Vinayak Kumbhar, for the Petitioners.

Mr S B Kalel, AGP, for the Respondent-State

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

DATED : 3 APRIL, 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 employee and Petitioner No. 2 Management are jointly challenging the Order dated 27 June 2022 passed by Respondent No. 3 / Education Officer (Secondary), Zilla Parishad, Thane. By said impugned Order, the approval for appointment of Petitioner No. 1 as peon is rejected.

3. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioners 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 this petition by directing that the impugned order dated 27 June 2022 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 1's proposal, which stands restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposal, he is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

6. The Petitioners 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 of Petitioner No. 1 thereafter within a period of 8 weeks, 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, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposal 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 petition is disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)