

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 603 OF 2024

Vasant Kondiba Shirtar

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Rahul Kadam for the Petitioner.

Ms. R.A. Salunkhe, AGP for the Respondent No. 1 & 2.

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

DATE : 17 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner/Employee, working in a school run by Respondent No. 3 Management, is challenging the Order dated 5 July 2023 passed by the Respondent No. 2 / Education Officer, Zilla Parishad, Pune. By said impugned Order, the approval for Petitioner's transfer from one school (un-aided) to another grant-in-aid school on aided post of Assistant Teacher is returned. Learned counsel for the Petitioner states on instructions that Respondent No. 3 is supporting the cause of the Petitioner till today. We proceed on the basis of the said statement.

3. It is urged that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanations to reason of rejection.

4. Since the Education Officer has directly rejected the proposal without informing the proposed ground of rejection, an inquiry about the ground 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 5 July 2023 will be treated as notice to Respondent Management of the proposed ground of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Education Officer intends to reject the proposal, he is directed to communicate the same to the Respondent Management within a period of 3 weeks from today.

6. The Respondent Management shall thereafter submit its explanation to the proposed grounds of rejection, 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 Management 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 proceeds to grant approval as sought, 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.)