

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

WRIT PETITION NO. 1199 OF 2024

Riya Rajendra Mhatre

...Petitioner

Versus

The State Of Maharashtra Thr
Government Pleader And Ors.

...Respondents

Mr. Ajay Joshi for the Petitioner.

Mr. B.V. Samant, Addl. G.P. a/w Ms. R.A. Salunkhe, AGP for the
Respondent Nos. 1 to 3.

Ms. Pranali Railkar for Respondent Nos. 4 & 5.

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

DATE : 31 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as Junior Clerk with Respondent No. 5/Junior College run by Respondent No.4/ Management, is challenging the Order dated 4 July, 2023 passed by Respondent No. 3/Education Officer (Secondary), Zilla Parishad Raigad - Alibaug. By said impugned Order, the proposal of approval to appointment of Petitioner as Junior Clerk on aided post is rejected. Learned counsel for Respondent Nos. 4 & 5 states that they

are supporting the cause of the Petitioner. We proceed on the basis of said statement.

3. It is urged that impugned Order is passed without opportunity being given to the Petitioner and/or Respondent Management to give appropriate and necessary explanation to the reasons of rejection.

4. The Education Officer has rejected proposal without informing objections to the Management. This 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 4 July, 2023 will be treated as notice to Respondent / Educational Institute of the proposed grounds of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Respondent Education Officer intends to 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 along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. Thereafter within a period of 8 weeks, subject to other time bound

directions, the Respondent Education Officer is directed to decide the proposal, 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.

7. The Petitioner's proposal 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, consequent grant of Shalarth ID 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.)