

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1885 OF 2018

Mrs. Uma Vijaysing Rajput

...Petitioner

Versus

State of Maharashtra and Ors.

...Respondents

Mr. Nitin A. Kulkarni, for Petitioner.

Mr. Surel S. Shah a/w. Saakshat Relekar, for Respondent Nos. 3 & 4.

Mr. V. M. Mali, AGP for Respondent/State.

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

DATE : 7 MARCH 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner / employee working with Respondent No. 4- School run by Respondent No. 3- Educational Institute, is challenging the Order dated 26 July 2017 passed by Respondent No. 2- Education Officer (Secondary), Zilla Parishad, Pune. By said impugned Order, the approval for Petitioner's appointment as Librarian is rejected. Learned counsel for the Respondent Management states that they are supporting the cause of the Petitioner.

3. It is submitted that the impugned order is passed without any

reason and without any show cause notice. It is submitted that had an opportunity been given, the Petitioner / Respondent Management would have given appropriate and necessary explanation in support of the 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 26 July 2017 will be treated as notice to Petitioner and 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 or reject the proposal, he is directed to communicate the same to the Petitioner and Respondent/Educational Institute within a period of 3 weeks from today.

6. The Petitioner and 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 so given 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 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 proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. Writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)