



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(15) WRIT PETITION NO. 16321 OF 2023

Dinesh Kondu Madhavi And Anr ...Petitioners

Versus

The Education Officer (Secondary) Zilla Parishad,
Thane And Anr ...Respondents

AND

(16) WRIT PETITION NO. 16351 OF 2023

Hemant Narayan Patil And Anr. ...Petitioners

Versus

The Education Officer (Secondary) Zilla Parishad,
Thane And Anr ...Respondents

AND

(17) WRIT PETITION NO. 16371 OF 2023

Rupesh Raman Pardeshi And Anr ...Petitioners

Versus

The Education Officer (Secondary) Zilla Parishad,
Thane And Anr ...Respondents

AND

(22) WRIT PETITION NO. 6601 OF 2024

Shweta Suresh Palkar And Anr ...Petitioners

Versus

The Education Officer (Secondary) Zilla Parishad,
Thane And Anr ...Respondents

Mr. Aniruddha Garge a/w. Mr. Kashyap Bhalerao for the Petitioners in all Petitions.

Mr. K. S. Thorat, 'B' Panel Counsel for the Respondent-State in WP/16321/2023

Ms P. N. Diwan, AGP for the Respondent-State in WP/16351/2023 and WP/16371/2023

Ms. Nisha Mehra, AGP for the Respondent-State in WP/6601/2024.

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

DATED : 6 MAY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1/employees in all petitions, working with common Petitioner No. 2-Educational Institute (General Education Institute, Dadar) are jointly seeking direction to decide pending proposals of Petitioner No. 1 in all petitions for approval to their appointment as assistant teachers (in Writ Petition No. 16371 of 23, Writ Petition No. 16351 of 23, Writ Petition No. 6601 of 24) and as Junior Clerk (in Writ Petition No. 16321 of 23) from common Respondent No. 1–Education Officer (Secondary), Thane.

3. It is submitted that the Petitioner Educational Institute has submitted the proposals on 12 July 2022 (in Writ Petition No. 16371 of 23, Writ Petition No. 16351 of 23, Writ Petition No. 6601 of 24) and on

22 June 2023 (in Writ Petition No. 16321 of 23) however, the same are still pending and no decisions are yet taken. We proceed on the basis of said statement.

4. The Division Bench of this Court in the decision of *Nitin B. Tadge Vs. State of Maharashtra*¹ and other companion petitions after considering that in large number of cases Petitions are filed making a similar grievance, has issued the directions as under:

“PART- II

A. (i) We direct that upon receipt of a proposal seeking approval, the Educational Authority, as per the methodology laid down in the Government Resolution dated 6 February 2012, will communicate the shortfalls/objections in the proposal submitted by the Management/Employer as the case may be calling for explanation giving them reasonable time. Upon receipt of such explanations, the Educational Authority will examine the explanation and pass a reasoned order.

(ii) If any judicial pronouncement is cited regarding the shortfalls/ objections in the explanation, then in the reasoned order, the Educational Authority will specifically address the legal position laid down by the said judicial pronouncement.

(iii) It is emphasized that avoiding referring to and avoiding considering the legal position laid down in the judicial pronouncement would be viewed seriously and may result in action under the contempt jurisdiction of this Court.”

5. In view of the pendency of the proposals, we dispose of these petitions by directing that if there are any grounds on which the

¹ Writ Petition No. 204 of 2019, order dated 16 April 2024

Respondent No. 1 Education Officer intends to return or reject the proposals, he/she is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

6. The Petitioners shall thereafter submit their explanation/s to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. The Respondent No. 1 Education Officer is directed to decide the proposals of Petitioners 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. The order will be passed as per directions given by this Court in Nitin Tadge's case as stated above.

7. We have not expressed any opinion on the Petitioners' proposals 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 proposals as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. The writ petitions are disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)