

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 590 OF 2018

Smt. Nanda Pramod Inkane

...Petitioner

Versus

Shri. Bhuleshwar Shikshan Prasarak Mandal, ...Respondent
Through Its Secretary And Ors.

Mr. Shirish Pitre a/w Amol Ghuge for the Petitioner.

Mr. S.A. Rajeshirke for the Respondent No.1.

Mr. B.V. Samant, Addl. G.P. a/w A.A. Purav, AGP for Respondent
Nos. 3 and 4/ State.

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

DATE : 21 MARCH 2024

P.C. :

. Heard the learned counsel for the parties.

2. This is one more case where the impugned order passed by the Education Officer gives no reasons and in the petition reply affidavit is filed by the Education Officers and therefore, this Court is called to adjudicate the issue at first instance and supply reasons in the impugned order.

3. Such approach by the Education Officers is needlessly giving

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rise to substantial litigation.

4. In the present case, the Petitioner has filed Writ Petition No. 4168 of 2016 for direction to the Education Officer to decide the Petitioner's representation. In the representations, the Petitioner had sought a B.Ed. Scale from the date on which vacancy arose in the Respondent/institute. By the impugned order dated 15 November 2016 after this Court directed to take a decision, the Education Officer has granted B.Ed. Scale to the Petitioner, however from 30 June 2016, when according to the Petitioner it should have been from much earlier date as stated in the representation i.e. 30 April 2002.

5. When the Division Bench of this Court had directed the Education Officer to decide the representation and the prayer was partly granted, then reason for the rejecting the claim for granting the scale from the earlier date should have been provided in the order itself. There is no reason given in that regard. It is now in this Court that the State and the Management seeks to contend how the date stipulated in the impugned order is correct. We disapprove of this position.

6. In these circumstances, the order dated 15 November 2016 shall be considered as a notice by the Education Officer to the Respondent/Management and to the Petitioner. We permit the

Petitioner to respond to the said notice by filing a representation placing on record the decisions of the Court, if any and we also permit the Respondent/Management to place its version on record within a period of 4 weeks. Thereafter, the Education Officer will pass a reasoned order as to the date from which the Petitioner is entitled to be given B.Ed scale. After responses are received, the decision be taken within a period of 8 weeks subject to the earlier time bound commitments, after giving opportunity to the parties.

7. The learned counsel for the Petitioner states that the Petitioner would retire on superannuation in September 2024 and the decision upon the date of which B.Ed scale is applicable to the Petitioner need not detain the proceeding of the pension papers. He submits that for that purpose, the Petitioner is not averse to the date given in the impugned order, provided it is subject to his rights and contentions. The learned counsel for the Respondent/Management states that pension papers would be processed accordingly to the date given in the impugned order subject to rights and contention of both sides.

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

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)