

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

WRIT PETITION NO.. 12809 OF 2022

Chikhale Mahananda Dilip

...Petitioner

Versus

The Superintendent Pay And Provident
Fund Unit Education Dept And Ors

...Respondents

YUGANDHARA
SHARAD
PATIL

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by
YUGANDHARA
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Mr. Vivek V. Salunke for the Petitioner.

Mr. S.B. Kalel, AGP for Respondent Nos. 1, 2 and 4.

Mr. Milind Deshmukh for Respondent No. 3.

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

DATE : 16 JANUARY 2024

P.C.:

1. Heard learned counsel for the parties.

2. Leave is granted to join Education Officer – Management as a party Respondent. Amendment to be carried out during the course of the day.

3. This is yet another matter where inspite of the law laid down by this Court, we have been called upon to examine the correctness of the order passed by the Respondent-authorities.

This situation occurs because the Education Officer, while dealing with the approvals submitted by the Management either for pensionary benefits or approval to the appointment, reject the same without conveying or putting the Management to the notice on the proposed grounds of rejection. In many cases grounds for rejection are already ruled upon by this Court and held in negative. Since no opportunity is given to the Management, Management cannot place this decision before the Education Officer. Even otherwise it is expected that a Competent Education Officer would be aware of the legal position governing his area of work. The result thereof is either affidavit in reply is filed taking a ground other than the one contended in the impugned order or setting aside his orders. This course of action not only burdens the public exchequer but also investing needless judicial time. In the present case, according to the Petitioner, in the case of Respondent-Institution itself, an order was passed setting aside order passed by Education Officer in identical situation.

4. In light thereof, we direct that order dated 13 September 2022 be considered as a notice to the Educational Institution.

5. Respondent-Management or the Petitioner shall place the copy of the judgments and orders of this Court along with other judicial pronouncements and explanation. We direct the Education Officer to go through orders and judgments passed by

this Court, deal with the same and then pass a reasoned order.

6. Considering that the Education Officer would be dealing with the issues such as present one, on repeated basis, Education Officer would be aware of the legal position and law laid down by this Court. After the reply is so received from the Respondent-Management or the Petitioner, Education Officer will take a decision within a period of 6 weeks.

7. Writ Petition is disposed of.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)