

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 23 OF 2024

Mrs. Rutika Balaram Patil

...Petitioner

Versus

The State Of Maharashtra Through Its
Secretary, School Education Department
And Ors.

...Respondents

Mr. Lengare Y.B. a/w Aditya Gaikwad for the Petitioner.

Ms. Nisha Mehra, AGP for the Respondent No.1 to 3/State.

SNEHA
NITIN
CHAVAN

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

DATE : 22 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working with Respondent No. 5 Junior College run by Respondent No. 4 Management, is challenging the order dated 6 December 2022 passed by Respondent No. 2 / Dy. Director of Education, Mumbai Region, Mumbai. By said impugned order, the approval for transfer of Petitioner from un-aided post to aided post of assistant teacher in Respondent No. 5 Junior College is refused. The Petitioner is also seeking other consequential benefits such as continuity of service, increments, promotion etc. Learned counsel for the Petitioner states on instructions that Respondent

Nos. 4 & 5 are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is urged that had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanations about reasons stated for rejection. It is further submitted that the Respondent Authority has rejected the proposal, without informing proposed grounds of rejection.

4. Instead of entering the inquiry about the grounds of rejection first time in this Court, we deem it appropriate to dispose of this petition by directing that the impugned order dated 06 December 2022 will be treated as notice to Respondent / Educational Institute of the proposed ground/s of rejection. The Petitioner's proposal stands restored. The Respondent Educational Institute can also submit additional proposal for additional prayers made herein in respect of the Petitioner. If there are any other grounds on which Respondent No. 2 intends to reject the proposal/s, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

5. The Respondent Educational Institute shall thereafter submit its explanation to the proposed grounds of rejection along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. Respondent No. 2 is directed to decide the proposal/s 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.

6. We have not expressed any opinion on the Petitioner's proposal/s and the same shall be decided on its own merits in accordance with law. Needless to mention that if Respondent No. 2 decides to grant proposal/s as prayed, the aforesaid procedure/directions will not apply.

7. The writ petition is disposed of in the aforesaid terms.

(M.M.SATHAYE, J.)

(NITIN JAMDAR, J.)