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IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12409 OF 2017

Gowari Harshbala Ganpat and Anr. ...Petitioners

Vs.

The State of Maharashtra through its  
Secretary and Anr. ...Respondents

Mr. Narendra V Bandiwadekar, Senior Advocate a/w. Adv. Vinayak Kumbhar, Adv. Rajendra B. Khaire, Adv. Aniket S Phapale i/b. Mr. Sarang S. Aradhye for the Petitioners.

Ms. T. J. Kapre, AGP for the Respondent Nos. 1 and 2.

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

DATED : 6 MARCH, 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 employee and Petitioner No. 2 Educational Institute are jointly challenging the Order dated 24 October 2017 passed by Respondent No. 2 / Education Officer (Secondary), Zilla Parishad, Thane, by which the approval to appointment of Petitioner No. 1 as Shikshan Sevak is rejected.

3. It is submitted that the impugned order is passed directly without any show cause notice about proposed grounds of rejection. It is further submitted that had an opportunity been given, the

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Petitioners would have given appropriate and necessary explanations to the reason stated in impugned Order for rejection. Learned AGP has invited our attention to para 4 of the Order dated 8 December 2022 passed by this Court in the present matter about reliance placed by the Petitioner on the case of *Anant Kamlakar Joshi Vs. State of Maharashtra (Writ Petition No. 4232 of 2016 order dt. 17 October 2016)*. Be that as it may.

4. This is yet another matter, where an inquiry about the grounds of rejection are required to be done for the first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 24 October 2017 shall be treated as notice to the Petitioners of the proposed grounds of rejection. The Petitioners' proposal stands restored. If there are any other grounds on which Respondent No. 2 intends to reject the proposal, he 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 to the proposed grounds of rejection, along with supporting material and case laws, government resolutions, orders of this Court etc., including the aforesaid order of this Court dt. 8 December 2022. The Respondent No. 2 is directed to decide the proposal thereafter, by dealing with the explanation given by the Petitioners as also dealing with case law/orders of this Court, by passing a reasoned

order, within a period of 8 weeks, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent No. 1 proceeds to grant proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

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

( M.M. SATHAYE, J.)

( NITIN JAMDAR, J.)