

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

WRIT PETITION NO. 3074 OF 2023

Shri. Tukaram Pandurang Patil

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms. R.A. Salunkhe, AGP for the Respondent Nos. 1 to 5.

Mr. Utkarsh Desai for Respondent Nos. 6 & 7.

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

DATE : 11 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner, working as Naik (Class-IV Employee) with Respondent No. 7 Junior College run by Respondent No. 6 Management, is challenging the Order dated 13 September 2022 passed by Respondent No. 5 / Education Officer, Zilla Parishad, Kolhapur. By said impugned Order, the approval for appointment of the Petitioner is refused. Learned counsel for the Respondent Nos. 6 & 7 / Management states that they are supporting the cause of the Petitioner. We proceed on the basis of said statement.

3. It is submitted that, had an opportunity been given, the Petitioner and Respondent Management would have given appropriate and necessary explanation about reason of rejection.

4. This method adopted by Education Officer of directly rejecting the proposals, without informing proposed grounds of rejection, is giving rise to unnecessary litigation which takes precious judicial time of this Court because an inquiry about the grounds of rejection are required to be done first time in this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 13 September 2022 will be treated as notice to Respondent / Educational Institute of the proposed ground of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Education Officer intends to reject the proposal, he is directed to communicate the same to the Respondent/Educational Institute within a period of 3 weeks from today.

6. The Respondent Educational Institute shall thereafter submit its explanation to the proposed grounds of rejection, along with supporting material and case laws / orders of this Court, if relied upon. The Respondent / Education Officer is directed to decide the proposal 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.

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/Education Officer proceeds to grant approval, 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.)