

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16667 OF 2023

Anand Rama Pote

...Petitioner

Versus

The State Of Maharashtra Through Its Secretary Department Of Education (Secondary And Higher S.) And Ors.

...Respondents

WITH

WRIT PETITION NO. 16668 OF 2023

Nagnath Appasaheb Maindargi

...Petitioner

Versus

The State Of Maharashtra Through Its Secretary Department Of Education (Secondary And Higher S.) And Ors.

...Respondents

WITH

WRIT PETITION NO. 16636 OF 2023

Ajitkumar Hanumant More

...Petitioner

Versus

The State Of Maharashtra Through Its Secretary Department Of Education (Secondary And Higher S.) And Ors.

...Respondents

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Mr. Ajay A. Joshi, Advocate for Petitioners in all Petitions.

Mr. V.M. Mali, AGP for Respondent/State.

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

DATE : 9 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioners are working as junior clerks in Writ Petition No. 16667 of 23 and Writ Petition No. 16668 of 2023 and as a Laboratory Assistant in Writ Petition No. 16636 with common Respondent No. 5 School run by Respondent No. 4 Management. They are challenging Orders dated 22 September 2022 in Writ Petition No. 16667 of 23 and 31 March 2018 in remaining petitions by which Respondent No. 3 - Education Officer has though granted approval to their proposal but put a condition curtailing salary for a certain period. Learned counsel for the Petitioners submit on instructions, that though Respondent School and Management are not Co-Petitioners with them, they are supporting the cause of the Petitioners till today. We proceed on the basis of said statement.

3. It is submitted that the reasons given in impugned orders are not legal and correct and given an opportunity, the Petitioners and Respondent Management would be able to give necessary explanation.

4. This method adopted by Education Officer of directly passing orders, without informing proposed objections, 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 for the first time, in this Court.

5. In that view of the matter, we dispose of these Petitions by directing that the impugned orders will be treated as notices to Respondent/Educational Institute of the proposed ground for

curtailing the period of salary payable. The Petitioners' proposal stand restored to that extent. If there are any other grounds on which the Respondent Education Officer intends to reject the claim of the Petitioners for unpaid salary, 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 objections, along with supporting material and case laws/orders of this Court, if relied upon. The Respondent / Education Officer is thereafter directed to decide the proposal 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 and pass a reasoned order, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' contention 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.)