

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 591 OF 2024

Siddararm Rewanappa Keshagond

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

YUGANDHARA
SHARAD
PATIL

Digitally signed
by
YUGANDHARA
SHARAD PATIL
Date:
2024.02.01
12:56:22
+0530

.....

Mr. Mandar Bagkar for the Petitioner.

Mr. V.M. Mali AGP for Respondent Nos. 1,2 and 5.

.....

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

DATE : 19 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner-Employee, working as Laboratory Assistant with Respondent No. 4 School run by Respondent No. 3 Management, is challenging the order dated 8 September, 2022 passed by Respondent No. 2 – Deputy Director of Education, Kolhapur Division, Kolhapur. By said impugned order, the approval for appointment of Petitioner as Laboratory Assistant is refused. Learned counsel for the Petitioner states on instructions that Respondent Nos.3 & 4 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 explanation to reasons of rejection.

4. Respondent Authority has directly rejected the proposal, without informing proposed grounds of rejection. This has resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court. There are many such matters, taking time of this Court.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 8 September, 2022 will be treated as notice to Respondent- Educational Institute of the proposed ground/s of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Respondent 2 Dy. Director of Education 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 including government resolutions, case laws / orders of this Court etc. if relied upon. The Respondent-Deputy Director of Education 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 Petitioner's proposals and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent-Deputy Director of Education decides to grant proposal as prayed and allot Shalarth ID consequently, 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.)