

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 543 OF 2024

YUGANDHARA
SHARAD
PATIL

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Shreya Sandip Cherkar

... Petitioner

Versus

State of Maharashtra and Ors.

... Respondents

.....

Mr. Prashant Bhavake, for the Petitioner.

Mr. V.M. Mali AGP for Respondent Nos. 1 to 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 Junior Clerk with Respondent No. 7 School run by Respondent No. 6 Management, is challenging the order dated 13 March 2023 passed by Respondent No. 5 / Education Officer (Secondary), Raigad Zilla Parishad, Alibag. By said impugned order, the approval for Petitioner's transfer as Junior Clerk from unaided post to aided post in

Respondent No. 7 School is refused. Learned counsel for the Petitioner states on instructions that Respondent Nos. 6 & 7 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 reason of rejection.

4. Education Officer 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 13 March 2023 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 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 including government resolutions, case laws / orders of this Court etc. 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 Petitioner's proposals and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent/Education Officer 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.)