

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 412 OF 2024

Shampa Chakravathy

...Petitioner

Versus

The State Of Maharashtra Through Its
Principal Secretary

...Respondent

Ms. Devyani Kulkarni for the Petitioner.

Mr. K.S. Thorat, AGP for the Respondent Nos.1 to 3.

Mr. Rakesh Saroj for Respondent Nos. 5 & 6.

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

DATE : 16 JANUARY 2024

P.C. :

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as Associate Professor with Respondent No. 6 College run by Respondent No. 5 Management, is challenging an Order dated 9 October 2023 passed by Respondent No. 3 / Joint Director of Higher Education, Pune. By said impugned Order, the pension proposal of the Petitioner is returned. Learned counsel for the Respondent Nos. 5 & 6 Management states that they are supporting the cause of the Petitioner. We proceed on the basis of said statement.

3. It is submitted that, Respondent No. 3 had returned the Petitioner's proposal on grounds about which explanation with supporting material could have been given by the Petitioner and Respondent Management.

4. This is yet another case in which method of deciding proposals without giving any notice about objections is adopted by Respondent Authority. This has resulted in a situation requiring an inquiry about the grounds of rejection, 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 9 October 2023 will be treated as notice to Respondent Management of the proposed ground/s of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Respondent Authority intends to reject the proposal, he is directed to communicate the same to the Management within a period of 3 weeks from today.

6. The Respondent Management shall thereafter submit its explanation to the proposed grounds of rejection, along with supporting material, government resolutions, case laws / orders of this Court etc. if relied upon. Thereafter, subject to other time bound directions and pressing public duties, Respondent No. 3 is directed to decide the Petitioner's proposal within a period of 8 weeks, by dealing with the explanation given by the Management as also

dealing with case law/orders of this Court, by passing a reasoned order.

7. We have not expressed any opinion on the Petitioner's proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Authority proceeds to grant approval as sought, 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.)