

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 115 OF 2024**

Aniket Rajgonda Majlekar

... Petitioner

V/s.

The State of Maharashtra and Ors.

....Respondents

.....

Mr. Prashant Bhavake, for the Petitioner.

Mr. Vikas Mali, AGP for Respondent Nos. 1 to 5-State.

.....

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

DATE : 9 JANUARY 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner/Employee, working as laboratory assistant with Respondent No. 7 School run by Respondent No. 6 Management, is challenging the Order dated 17 August 2021 to the extent of granting approval w.e.f. 7 March 2019 instead of 15 June 2017 and consequential impugned Order dated 26 April 2022 to the extent of granting approval as permanent in regular pay scale w.e.f. 7 March 2022 instead of 15 June 2020, both passed by Respondent No. 5 / Education Officer, Zilla Parishad, Kolhapur. Learned counsel for the Petitioner states on instructions that Respondent Nos. 6 & 7 / Management and School are supporting the cause of

the Petitioner till today. 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 to the reason in the impugned Orders.

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 both the impugned orders, viz Order dated 17 August 2021 to the extent of granting approval w.e.f. 7 March 2019 instead of 15 June 2017 and consequential impugned Order dt. 26 April 2022 to the extent of granting approval as permanent in regular pay scale w.e.f. 7 March 2022 instead of 15 June 2020 will be treated as notices to Respondent/Educational Institute of the proposed ground/s of rejection. The Petitioner's proposal stands restored to that extent. If there are any other grounds on which the Education Officer intends to pass adverse order, 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 for adverse orders, 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' 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.)