

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 16664 OF 2023

Rohit Devdas Mohite

...Petitioner

V/s

State of Maharashtra & Ors.

...Respondents

.....

Mr. Stefy J. Dias i/b Rati Sinhasane for the Petitioner.

Mr. M.M. Pabale, 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. Petitioner/Employee, working as Laboratory Assistant with Respondent No. 4 School run by Respondent No. 3 Management, is challenging impugned Order dated 20 October 2023 passed by Respondent No. 2 -Education Officer, Zilla Parishad, Sangli, rejecting his proposal of appointment on compassionate ground. Learned counsel for the Petitioner submits on instructions, that though Respondent Nos. 3 and 4 are not Co-Petitioners with him, they are supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. It is submitted that the Education Officer by letter dated 6 September 2023 raised as many as 5 objections, regarding which necessary compliance was made in October 2023 itself. However ultimately, by impugned Order, the proposal has been rejected on a completely different ground based on Government Resolution dated 21 September 2017. It is submitted that had the said reason been communicated and opportunity been given, necessary explanation could have been given.

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 is required to be done in this Court for the first time.

5. In that view of the matter, we dispose of this petition by directing that the impugned order dated 20 October 2023 will be treated as notice to Respondent Educational Institute about the proposed ground of rejection. The Petitioner's proposal stands restored. If there are any other grounds on which the Education Officer intends to reject the proposal, he is directed to communicate the same to the Educational Institute 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 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 as also dealing with case law/orders of this Court, by passing a reasoned order, subject to other time bound directions, if any.

7. We have not expressed any opinion on the merits of the Petitioners' proposal 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.)