

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 483 OF 2024

Madhavi Macchindra Mane

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

SNEHA
NITIN
CHAVAN

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Mr. Mihir Desai, Senior Advocate a/w Pritha Paul for the Petitioner.
Mr. S.B. Kalel, AGP for the Respondents/State.

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

DATE : 28 FEBRUARY 2024

P.C.

. Heard learned counsel for the parties.

2. Petitioner/Employee, working with Respondent No. 2 School run by Respondent No. 3 Management, is challenging the Order dated 8 December 2023 passed by Respondent No. 4 / Education Officer (Secondary), Raigad Zilla Parishad, Alibaug. By said impugned Order, the Petitioner is declared surplus and directed to join Respondent No. 5 School.

3. The learned counsel for the Petitioner submitted that impugned order is passed without any opportunity to her or the Respondent Management. It is submitted that had an opportunity

been given, the Petitioner and Respondent No. 2 & 3 - Management & School would have given appropriate and necessary explanation. It is further urged that Respondent No. 5 School has refused the Petitioner's joining and Respondent No. 2 school has already released her and therefore opportunity needs to be given and reasons must be stated before any decision is taken.

4. Perused the impugned Order. It has resulted in a situation where inquiry about the reasons 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 the impugned order dated 8 December 2023 will be treated as notice to the Petitioner and Respondent No. 2, 3 & 5 / Educational Institute and Schools. The Petitioner's case stands restored. If there are any other grounds on which the Respondent Education Officer intends to pass Order about declaring the Petitioner as surplus, he is directed to communicate the same to the Petitioner and Respondent Nos. 2, 3 & 5- Educational Institute & schools within a period of 3 weeks from today.

6. The Petitioner and the Respondent Nos. 2, 3 & 5 - Educational Institute and schools shall thereafter submit their explanation to the proposed grounds, 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 case thereafter within a period of 8 weeks, by dealing with the explanation given by the Petitioner and the Respondent Educational Institute and schools, 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 case the same shall be decided on its own merits in accordance with law. The writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)