



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

(9) WRIT PETITION NO. 11168 OF 2024

Shahu Shikshan Prasarak Seva Mandal And Ors. ...Petitioners
Versus
The State Of Maharashtra And Ors. ...Respondents

AND

(10) WRIT PETITION NO. 11196 OF 2024

Shahu Shikshan Prasarak Seva Mandal And Ors ...Petitioners
Versus
The State Of Maharashtra And Ors ...Respondents

Mr. Utkarsh Desai i/b. Mr. Prashant Bhavake for the Petitioners in both the Writ Petitions.

Mr. Vikas M. Mali, AGP for the Respondent-State in WP/11168/2024
Ms Reena Salunkhe, AGP for the Respondent-State in WP/11196/2024

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

DATED : 13 AUGUST 2024

P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 1 is common Education Institute running Petitioner No. 2 High School/Junior College and Petitioner No. 3 are employees. They are jointly challenging the Orders dated 23 January 2024 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad,

Kolhapur, who is common in both petitions.

3. By impugned Order in Writ Petition No. 11168 of 2024, the approval for appointment of Petitioner No. 3 (Amarjeet Ramchandra Mane) as Librarian is rejected. By impugned Order in Writ Petition No. 11196 of 2024, the approval for appointment of Petitioner No. 3 (Mahesh Dnyandev Jadhav) as Laboratory Assistant is rejected.

4. Perused the impugned Orders, which are admittedly passed without any show cause notice/hearing to the Petitioners. Had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned orders for rejecting proposal. It has resulted in a situation where 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 these petitions by directing that the impugned orders dated 23 January 2024 will be treated as notice to Petitioners of the proposed ground/s for rejection of Petitioner No. 3's proposals, which stand restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposals, he is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

6. The Petitioners shall thereafter submit 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 proposals of Petitioner No. 3 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. The order will be passed keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of *Judgment dated 16 April 2024* in the matter of *Nitin B. Tadge Vs. State of Maharashtra in Writ Petition No. 204 of 2019* and other companion petitions.

7. We have not expressed any opinion on the Petitioners' proposals and the same shall be decided on their own merits in accordance with law. Needless to mention that if the Respondent Education Officer proceeds to grant proposals as prayed, consequent benefits and orders will follow.

8. The writ petitions are disposed of in the aforesaid terms.

(M. M. SATHAYE, J.)

(NITIN JAMDAR, J.)