

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12480 OF 2024

The New Education Society, Kolhapur And Or. ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. Prashant Bhavake, for Petitioner.

Ms. Pooja Joshi Deshpande, AGP for Respondent/State.

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

DATE : 20 SEPTEMBER 2024

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P.C.:

. Heard learned counsel for the parties.

2. Petitioner No. 3 (Bhikaji Pandurang Patil) Employee working with Petitioner No. 2 High School & Junior College run by Petitioner No. 1 Education Institute are jointly challenging the order dated 19 April 2023 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Sangli. By the said impugned order, approval to appointment of Petitioner No. 3 as Shikshan Sevak is rejected.

3. Perused the impugned order which is admittedly passed by merely listing shortfalls, without issuing show cause or hearing the Petitioners. It has resulted in a situation where inquiry about the factual grounds of rejection are required to be done first time in this

Court. Had an opportunity been given, the Petitioners would have given appropriate and necessary explanation to reasons stated in impugned order for rejecting proposal.

4. In that view of the matter, we dispose of this petition by directing that the impugned order dated 19 April 2023 will be treated as notice to the Petitioners of the proposed ground/s for rejection of Petitioner No. 3's proposal, which stands restored. If there are any other grounds on which the Respondent Education Officer intends to return or reject the proposal, he/she is directed to communicate the same to the Petitioners within a period of 3 weeks from today.

5. The Petitioners 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.

6. Thereafter within a period of 8 weeks, subject to other time bound directions, the Respondent Education Officer is directed to decide the Petitioner No. 3's proposal 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. The order will be passed keeping in mind the directions issued by this Court in Part II Clause A(i) to (iii) of the judgment in the matter of *Nitin B.*

*Tadge Vs. State of Maharashtra*¹.

7. We have not expressed any opinion on 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 proposal as prayed, consequent benefits and orders will follow.

8. The argument of the Petitioners that Government Resolution (GR) dated 11 December 2020 referred in the impugned order, will not apply to the case of Petitioner No. 3 being appointed prior to the date of said GR, is kept open to be pointed out to the Respondent-Education Officer.

9. The writ petition is disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)

¹ 2024 SCC OnLine Bom 1116