

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 14141 OF 2024

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Date: 2024.10.19
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Pratibha Atul Shinde

...Petitioner

Versus

State Of Maharashtra And Ors

...Respondents

Mr. Chetan G. Patil i/b. Mr. V.S. Gadage, for Petitioner.

Mr. Abhijeet Naik, AGP, for Respondent Nos. 1 to 3.

CORAM : RAVINDRA V. GHUGE &
M.M. SATHAYE, JJ.

DATE : 16th OCTOBER, 2024

P.C.:

1. The Petitioner is an employee who has suffered rejection of the approval to his appointment. It is undisputed that queries with regards to three deficiencies were raised by the Education Officer (Secondary). Without giving the Management an opportunity of hearing or to cure the deficiencies, the proposal has been rejected.

2. The learned Advocate representing the Petitioner submits that the law laid down by this Court in *Writ Petition No. 7706 of 2022, Suhas s/o. Rangraoji More V. State of Maharashtra and Ors.*, decided by Judgment dated 21/12/2023, would be squarely applicable to this case.

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3. Normally, once the Education Officer raises certain queries or points out certain deficiencies in a proposal, such proposal ought not to be rejected at the threshold. The Management which has tendered the proposal, should be granted the opportunity of curing the deficiencies. If certain documents are to be tendered, such opportunity should be granted. We find in several cases that the Education Officers or the Deputy Directors of Education, raise objections on a proposal, expect the Management to place certain documents on record and yet, reject the proposal and then direct the Management to tender a fresh proposal, rather than granting an opportunity to the Management and deal with the same proposal after the deficiencies are cured.

4. In view of the above, this **Writ Petition is disposed off** with a direction to the Management to prepare a fresh proposal in the light of the deficiencies pointed out vide the impugned communication dated 7/2/2024. After such proposal is tendered to Respondent No.3, along with the Judgment of this Court in Suhas s/o. Rangraoji More (supra), Respondent No.3 will deal with the said proposal after considering the law laid down in the cited Judgment and take a decision by assigning reasons.

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5. Let this exercise be completed within a period of 45 days from the date of tendering of the new proposal by the Management. A reasonable opportunity of hearing be granted to the Management.

6. The Petitioner will serve a copy of this order, on the Management, by Speed Post Registered A.D, within a period of 15 days.

(M.M. SATHAYE, J.) (RAVINDRA V. GHUGE, J.)