

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

WRIT PETITION NO. 15686 OF 2024

Mrs. Rasika Rakesh Mhatre & Anr. ... Petitioners.
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Narendra V. Bandiwadekar a/w. Mr. Vinayak R. Kumbhar, Mr. Rajendra B. Khaire, Mr. Aniket S. Phapale i/b. Ashwini N. Bandiwadekar, for the Petitioner.

Ms. Neha Bhide, GP a/w. Mr. S.B. Kalel, AGP for Respondent/State.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 17th DECEMBER, 2024

P.C. :

1. The learned Government Pleader points out that the order and directions of this Court delivered at Aurangabad vide order dated 26th October, 2023 in Writ Petition No. 14414 of 2023. A G.R. has been issued on 3rd October, 2024 bringing to the notice of all concerned that the Circular dated 1st December, 2022 has been quashed and set aside. The learned Government Pleader fairly admits that there is mistake in the Marathi G.R., wherein Rule 41A is misquoted as 41(1). She assures us that a corrigendum will be shortly issued. She further assures that all the Education Officer and Deputy Directors of Education have been apprised

of the quashing of circular dated 1st December, 2022 and no authority, henceforth, will pass any order relying on the said circular to reject a proposal. If such incident is brought to the notice of this court after G.R. dated 3rd October, 2024, this Court is at liberty to impose costs and direct disciplinary action against such officer.

2. We appreciate the above submissions of the learned Government Pleader.

3. The learned Senior Advocate representing the Petitioner points out paragraph 4 of the Affidavit in reply dated 12th December, 2024 filed by Smt. Lalita Dahitule (Kawade), wherein the objections at clauses 3, 4 and 5 of the impugned order have been withdrawn and an apology is tendered.

4. The learned Government Pleader and the learned AGP submits that the word “unwarranted” is wrongly typed in paragraph 5 of the affidavit in reply and the said word is being withdrawn and may be treated as being deleted.

5. In view of the above, **this Writ Petition is disposed off** with the following directions:

- (a) Clauses 1 and 2 of the impugned order dated 21st August, 2023 shall be treated as objections/deficiencies and the said documents shall be treated as a notice to the Management.
- (b) Clauses 3, 4 and 5 of the impugned order have already been withdrawn.
- (c) The management will remove all office objections expeditiously and tender an updated proposal to Respondent No. 3.
- (d) Respondent No. 3 would then deal with the proposal on its own merits in strict compliance of Rule 41A of the MEPS Rules, 1981 and pass a reasoned order within 30 days. The said decision be communicated to the Management, expeditiously.
- (e) If an adverse order is passed, the aggrieved party would be at liberty to assail the said decision.
- (f) If the proposal is favourably considered, the Management shall initiate steps for seeking Shalarth I.D. and said procedure would be completed expeditiously for payment of salary.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)

ARUNA
SANDEEP
TALWALKAR

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