

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2139 OF 2024

Dhirajkumar Vijay Sutar. ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Prashant Bhavake, Advocate for the Petitioner.

Mr. V.M. Mali, AGP for Respondent Nos. 1 and 2 /State.

Mr. Pankaj P. Deokar, Advocate for Respondent Nos. 3.

Mr. Utkarsh Desari, Advocate for Respondent Nos. 4 and 5.

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

DATE : 30th APRIL, 2025

P.C. :

1. On 6th February, 2024 we had passed the following order :

“1. The grievance of the Petitioner is that earlier the approval was refused on the ground that the Petitioner did not have the TET qualification. After he acquired the said qualification, now several grounds have been put forth in the second round for rejection of the application. Leave to add grounds as well as the copy of the advertisement.

2. Issue notice to the Respondents, returnable on 18th March, 2025. The learned AGP waives service of notice on behalf of Respondents Nos. 4 and 5. Let the Affidavit-in-

Reply be filed at least ten days prior to the returnable date.

*3. Considering the law laid down by the Full Bench of this Court in **St Ulai High School vs. Devendraprasad Jagannath Singh**, 2007 (1) Mh.L.J. 597, lack of approval would not be a ground for termination and the employer is restrained from terminating the services of the Petitioner.*

4. All office objections to be removed on or before 25th February, 2025, failing which, the Petition would stand dismissed without reference to the Court, on 26th February, 2025.”

2. The learned Advocate for the Management submits that all the objections raised in the impugned order were never communicated to the Management before rejection of the proposal. The learned Advocate appearing on behalf of Respondent Nos. 2 and 3, submits that he would abide by the directions of this Court.

3. In view of the above, **this Petition is disposed off**. The contents of the impugned order dated 23.11.2022, shall be construed to be a notice to the Management listing out the deficiencies. The deficiency with regard to the TET qualification would not be raised since the Petitioner has acquired the said qualification after the cut of date 31.3.2019, on 31.1.2021. The Management shall remove the deficiencies and tender a revised proposal to Respondent No. 2 within 30

days from today. Thereafter, Respondent No. 2 would follow the due procedure laid down in law and shall pass a reasoned order on the revised proposal within 60 days thereafter.

4. If the proposal is refused, the aggrieved parties are at liberty to avail of a remedy as is permissible in law. However, if the proposal is favourably considered, further steps for grant of Shalarth I.D. shall be effected expeditiously.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)