

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5032 OF 2023

Sarvoday Shikshan Prasarak Mandal Shirol Thr Its ... Petitioners
President And Ors

Versus

The State of Maharashtra And Ors ... Respondents

Mr. Prashant Bhavake for the Petitioner.

Ms. T. J. Kapre, AGP for the Respondent-State.

Coram : M. S. Karnik &
Ajit B. Kadethankar, JJ.

Date : November 3, 2025.

P.C. :

- 1.** Heard learned Counsel for the Petitioner.
- 2.** Individual approval of the Petitioner No. 3 is rejected by the Respondent No. 5-Education Officer (Secondary), Zilla Parishad, Kolhapur on the various grounds as contained in impugned order dated 20th October 2022, which is at page 58 of the Petition.
- 3.** Learned AGP made an attempt to justify the impugned order one of the ground of challenge is that the Petitioners were not granted an

opportunity to respond/rectify.

4. The Petitioner admittedly is a minority educational institution. The first ground of 'objection' is that prior approval was not sought prior to issuance of the advertisement. The Petitioner being a minority educational institution the prior approval in terms of Government Resolution dated 6th February, 2012 is not mandatory.

5. Ground No. 1 of the impugned order is therefore not tenable. So far as the Ground No. 8 is concerned the said pertains to the ban on recruitment in terms of various Government Resolution. So far as the remaining grounds are concerned, we find that no opportunity was given to the Petitioner No. 1-Management to rectify the deficiencies.

6. In this view of the matter, the impugned order so far as it pertains to Item Nos. 2 to 8 can be considered as a show cause notice to the Petitioner No. 1-Management. The Petitioner No. 1-Management to respond to such deficiencies as mentioned in Item Nos. 2 to 8 of the impugned order within a period of two weeks from today.

7. The Petitioners are always at liberty to place on record relevant case law in support of their submissions.

8. The Education Officer (Secondary) upon receipt of the representation from the Management clarify the deficiencies, shall proceed to pass a reasoned order on the said proposal for individual

approval of the Petitioner within a period of 8 weeks from today.

9. All contentions are kept open. If the proposal is approved Shalarth ID be issued expeditiously by the Respondent No. 4.
10. Writ Petition is disposed of.

TALLE
SHUBHAM
ASHOKRAO

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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