

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

WRIT PETITION NO. 14151 OF 2024

Vasudha Kisan Jadhav @ Vasudha
Vijay Bhosale.

Aged 43 years, Occ: Service,
R/o. Shirgaon, Tal. Wai,
Dist. Satara – 412 803.

... Petitioner.

Versus

1. The State of Maharashtra
through the Secretary,
School Education Department,
Mantralaya, Mumbai- 400032.
 2. The Education Officer, (Secondary),
Zilla Parishad, Satara.
 3. Yashwant Shikshan Santha,
Shirur, Tal. Wai, Dist. Satara,
through its President/Secretary.
 4. Tarkatirth Laxmanshastri
Joshi Vidyalay, Wai, Dist. Satara,
Through its Head Master.
- ... Respondents.

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

Mr. A.K. Naik, AGP for Respondent/State.

Mr. Nikhil Wadikar a/w. Mr. Kastur Patil i/b. Mr. Nandu Pawar, for
Respondent No. 3.

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

DATE : 6th FEBRUARY, 2025

JUDGMENT (Per RAVINDRA V GHUGE, J)

1. Rule. Rule made returnable forthwith and heard finally by consent of the parties.

2. The Petitioner has put forth the prayer clauses (b) and (c) which read as under :

“b] By a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent Nos. 3 and 4 to immediately submit the proposal to the Respondent No. 2 seeking approval to the appointment of the Petitioner as Full Time Assistant Teacher on un-aided basis at the Respondent No. 4 school w.e.f. 16.7.2013.

c] After the Respondent No. 2 would receive the proposal as mentioned above, by a suitable writ, order or direction, this Hon'ble Court may be pleased to direct the Respondent No. 2 to decide the said proposal in accordance with law and to grant approval to the appointment of the Petitioner as Full Time Assistant Teacher on un-aided basis at the Respondent No. 4 school from the date of appointment, with all consequential benefits.”

3. Since the approval has been rejected by an order dated 06.07.2023, the Petitioner is not pressing prayer clauses (d), (e), (f), (g), (h) and (I), in the facts and circumstances of the case.

4. This is yet one more case wherein the Education Officer,

after raising objections as regards the deficiencies in a proposal seeking approval to the appointment of the Petitioner, has passed the impugned order rejecting the proposal. A hand written sentence is added in the order, that the entire file be returned.

5. Despite hundreds of orders passed by this Court at the Principal Seat and at the Aurangabad Bench directing authorities that when they notice deficiencies in a proposal, they should follow the principles of natural justice and call upon the management to remove the deficiencies within a time-frame, the same orders are being passed. If there are serious illegalities, not in the nature of deficiencies, the authority can proceed to pass orders on merits with reasons. In some matters we have imposed costs on the authority passing such orders. Yet, the same attitude of the authority continues to be reflected in the impugned orders.

6. In view of the above, **this Writ Petition is allowed** only to the extent of quashing the impugned order dated 06.07.2023. The deficiencies raised in the said order would be treated as a notice to the Management. We are directing the Management to rework on the proposal and ensure that a proposal, after removing all deficiencies and

complete in all respects, shall be tendered to Respondent No. 2 on or before 10th March, 2025. Thereafter, Respondent No. 2 Education Officer would follow the due procedure laid down in law and after conducting a meticulous inquiry and verification of the documents, a reasoned order shall be passed within 60 days thereafter. Copies of the orders shall be served on the management expeditiously.

7. Needless to state, since the Petitioner has been appointed on the un-aided post as an Assistant Teacher on 16.07.2013, the proposal would be in the terms of the said appointment and the Education Officer would apply the law as it stood on the date of appointment. In the event, the Education Officer needs the assistance while deciding the said proposal, he shall call upon the Petitioner and/or the Management, who would render cooperation.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)