

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 10022 OF 2025

Rachavva Shadakshari Vibhute

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

*Mr. Sameer Kumbhakoni for the Petitioner.
Ms. T. J. Kapre, AGP for the Respondent-State.*

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

Date : December 19, 2025.

P. C. :

1. Heard learned Counsel for the Petitioner.
2. Our attention is invited to the order dated 8th January 2024, passed by this Court in Civil Writ Petition No. 7892 of 2023 which reads thus:

"1. Heard learned counsel for the parties.

2. Petitioner/Employee working as a Shikshan Sevak, is seeking direction to decide her pending approval with the Respondent No. 4- Education Officer, Zilla Parishad, Solapur. The Petitioner states that though the Respondent No.5 (Educational Institute) is not a Co-Petitioner with her, it is supporting the cause of the Petitioner till today. We proceed on the basis of said statement.

3. In view of the pending proposal, we direct the Respondent /Education Officer to communicate its proposed grounds of rejection of approval to the Respondent/ Educational Institute within a period of 3 weeks from today. The Respondent/Educational Institute shall thereafter submit its explanation to the proposed grounds of rejection, along with supporting material and case laws/orders of this Court, if relied upon.

4. The Respondent/Education Officer is directed to decide the pending proposal by dealing with the explanation given by the Respondent/Educational Institute as also dealing with case law/orders of this Court, by passing a reasoned order within a period of 8 weeks from the receipt of explanation from Respondent/Educational Institute, subject to other time bound directions and pressing public duty, if any.

5. We have not expressed any opinion on the merits of the Petitioner's proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent/Education Officer proceeds to grant approval, the aforesaid procedure/directions will not apply.

6. The writ petition is disposed of in the aforesaid terms."

3. Thereafter, a detailed explanation was submitted by the Management in terms of the orders passed by this Court, which was received by the Education Officer (Secondary) on 29th January 2024. However, by the impugned order dated 1st August 2024, the Education Officer has rejected the proposal on the grounds mentioned therein. It is seen that the proposal has been rejected mainly on the ground that the documents in support of the Petitioner's case were not furnished.

4. In our opinion, although an opportunity was granted to the Management pursuant to the earlier order of this Court, the present Petition has been filed by the Petitioner-Assistant Teacher seeking

approval as *Shikshan Sevak*. It was incumbent upon the Management, which forwarded the proposal, to annex the necessary documents in support thereof.

5. In such view of the matter, we are of the opinion that the communication dated 1st August 2024 deserves to be set aside. The impugned order dated 1st August 2024 shall be treated as a show cause notice to the Petitioner.

6. The Management shall cure and/or explain the deficiencies mentioned in the impugned order within a period of two weeks from the date of communication of this order. Upon submission of such representation, the Education Officer shall decide the proposal afresh, in accordance with law and in terms of the earlier orders passed by this Court, within a period of eight weeks thereafter. If the proposal is approved, the Shalarth ID be issued expeditiously.

7. Writ Petition stands disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik, J.]

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