

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

WRIT PETITION NO. 9791 OF 2024

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Siddhanath Sampat Bhagat

... Petitioner

Versus

State of Maharashtra & Ors.

... Respondents

.....

Mr. Ashish Pawar (through VC) for the Petitioner.

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

.....

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

Date : November 13, 2025.

P. C. :

1. Heard learned counsel for the petitioner.
2. The sum and substance of the Writ Petition is that despite petitioner having been appointed on the post of Peon by following the due procedure and also there being no legal impediment in approving the petitioner's services, the respondent no.3 – Education Officer rejected the proposal of petitioner's services. Learned counsel would submit that the petitioner was appointed on the post of Peon in the respondent no.5 – School i.e. administered by respondent no.4. He

would submit that a proposal seeking approval to the petitioner's services was filed by the respondent nos. 4 and 5 to the respondent no.3 – Education Officer (Secondary) vide a covering letter dated 2nd January 2022. Learned counsel for the petitioner would submit that respondent no.3 – however rejected the proposal by giving frivolous reasons. He would submit that the record clearly shows that the reasons rendered by respondent no.3 are contrary to the record and that his appointment is illegal. He would submit that had respondent no.3 given any opportunity of hearing to the petitioner and the school Management, such deficiencies would have been cured by the petitioner or the school Management.

3. Learned AGP would submit that from the record it reveals that respondent no.3 has not given any opportunity of hearing to the petitioner or school Management before rejecting the proposal for approval of petitioner's services.

4. In view of this, we are of the considered view that in such case, the respondent no.3 ought to have awarded an opportunity of hearing to the school Management as also to the petitioner to clarify the queries raised in the approval for appointment of the petitioner on the post of Peon.

5. In such situation, we hold that the order dated 16th January 2023 impugned in the present petition has to be held as show-cause notice to the petitioner. In view of this, we dispose of the Writ Petition by passing the following order:-

ORDER

- (a) Respondent nos. 4 and 5 shall resubmit a comprehensive proposal for approval to the petitioner's services to the respondent no.3 with additional documents, if any, to substantiate the proposal.
- (b) Let such exercise be done within a period of 2 weeks from today.
- (c) Upon receipt of such proposal, respondent no.3 shall decide the said proposal on its own merits and by meticulously examining the documents on record, within a period of 8 weeks thereafter.
- (d) In the meantime, if required, the respondent no.3 shall call upon the petitioner and the school Management to explain the queries, if any.
- (e) In the event of grant of approval to petitioner's services, Shalarth ID be processed accordingly.

(f) We clarify that the respondent no.3 shall not take any objection as regard to delay in filing the proposal.

(g) We make it clear that we have not made any observation on the merit of the petition or proposal.

6. With this, the Writ Petition stands disposed of as above.
Ordered accordingly.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]