

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

WRIT PETITION NO.12314 OF 2024

Bharat Maruti Deokant and Ors.Petitioners

Vs.

The State of Maharashtra and Ors.Respondents

Mr. Suresh Pakale, Senior Advocate a/w Mr. Nilesh Desai i/b Ms. Padmaja Malgaonkar for the Petitioner.

Dr. Uday Warunjikar for the Respondent Nos. 5 and 6.

Mr. V. G. Badgujar AGP for the State in WP/2622/2023.

Mr. V. M. Mali, AGP for the State in WP/12016/2022.

Mr. K. S. Thorat 'B' Panel Advocate in WP/9922/2022.

Ms. P.M. Joshi Deshpande, in WP/8648/2024.

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

DATE : 18th FEBRUARY, 2025

P.C. :-

1. Leave to delete Petitioner Nos. 6, 11, 15, 103, 141, 145, 180, 200 and 216, in view of the compilation of the documents (nine pages) placed on record, by virtue of which the learned Advocate for the Petitioner is called upon to delete these names from the array of Petitioners. Deletion be carried out forthwith. The compilation is taken on record and marked as 'X-1' for identification.

2. We have perused the interim orders passed by this Court in a few matters, copies of which are placed in the petition paper book from page Nos. 52 to page Nos. 58B.

3. The learned Advocate Mr. Warunjikar draws our attention to the Impugned communication dated 22nd July, 2024 at page Nos.594. He indicates from the said order that the Education Officer, Primary, Satara Zilla Parishad, has directed the Block Education Officers of various Panchayat Samities that, those graduate teachers in the subjects falling under the social science faculty and are working in the adhoc capacity as graduate teachers, should be sent back to their actual postings, keeping in view that the scales made available to them as graduate trained teachers, was purely on adhoc basis.

4. The learned Senior Advocate Mr. Pakale submits that none of these Petitioners were granted the said scales on adhoc basis. All of them were on regular basis and their posting in the scale of trained graduate teachers, was also on regular basis. Exhibit-B is a chart of these candidates who were considered in the

light of their first appointment orders and the dates on which they were promoted as graduate teachers. Ever since their regular promotion as trained graduate teachers, most of them have been working in between 2008/2010 to 2014. He submits that the specific grievance of these Petitioners is that the proposal to demote them has been moved and such proposal is impugned in this petition.

5. Mr. Warunjikar submits that a mere proposal cannot be a cause of action before the Court. It cannot be ruled out that as the proposal would be considered on the basis of the record, the Authority may deem it appropriate, before passing an adverse order, to hear the Petitioners. Therefore, the said exercise has to be completed. The Petitioners have rushed to this Court and have sought interim orders on the basis of which the proposal is kept in suspended animation. There are several such cases involving several Zilla Parishads in the State of Maharashtra and this Court has passed many Interim orders, as is visible from page No.52 to 58B.

6. In view of the above, we find that the basic rule of granting an opportunity of hearing in deference to the Principles of Natural Justice, will have to be followed. Before any adverse order

is passed, an opportunity of hearing would be required. Several litigants are before this Court, which is evident from the interim orders cited before us. In all these matters, ad-interim orders have been passed more than 2 to 3 years ago and the said orders are continued. Therefore, the proposal which was put forth by various Zilla Parishads, is truncated.

7. Considering the above, we deem it appropriate to grant limited protection to these Petitioners, in view of the several other similarly placed Petitioners, having been protected, and direct the Zilla Parishads to deal with the Impugned proposal by following the due procedure laid down in law. If any orders are to be passed which are likely to prejudicially affect any of the Petitioners, an opportunity of hearing be granted to them.

8. In view of the above, **this Writ Petition is disposed off** with following directions:-

- a) The proposals, as like the Impugned one, dated 22nd July, 2024 and the like, would be tendered by the concerned Education Officers to the Block Development Officer of the Panchayat Samitis.

- b) After receiving the proposal, the Block Development Officer would follow the due procedure as is prescribed. Objections or views of any candidate, who is likely to suffer a prejudicial order, would be invited. After compliance of Clauses 10 and 11 of the Impugned proposal dated 22nd July, 2024, the proposal including the details of the candidates, would be tendered to the CEO of the Zilla Parishad.
- c) Before an adverse order is to be passed, the Competent Authority of the Zilla Parishad would give an opportunity of hearing to the concerned candidate who is likely to be aggrieved. A written explanation/submission by the said candidate is permitted.
- d) After completion of the above procedure, an order with reasons shall be passed by the Competent Authority.
- e) If the issue of recovery arises or is connected with those persons/candidates who are likely to suffer a prejudicial order, the above hearing would include a hearing even on this count.
- f) Considering the conspectus of the issue before us, we are granting time to the concerned Authorities to deal with the proposal and deliver reasoned orders, on or before 30th June 2025.

g) In the event, the Zilla Parishad finds itself short of time, liberty to move a Civil Application in this disposed off proceedings, for seeking extension of time.

h) Since several Petitioners have been protected by various benches of this Court by virtue of interim orders, we are protecting the Petitioners against an adverse order until the Zilla Parishad delivers the orders and if the orders are adverse to any of the Petitioners, such protection would extend to 15 days beyond the date of the order.

i) In order to avoid further litigation, at the behest of those who have not yet approached the Court, we direct that such protection would be available to the all those persons, irrespective of the streams in which they are working, who have not approached this Court, and they would be treated alike and the procedure as directed above would be followed even in their cases before taking a decision.

j) Since the Impugned order pertains to those who fall in the Social Science Faculty, the directions set out above are restricted to these Petitioners and those who have not approached the Court till date, falling in this faculty.

9. List Writ Petition No.2622 of 2023, Writ Petition No.12016 of 2022, Writ Petition No.9912 of 2022 and Writ Petition No.8648 of 2024, for disposal on **26th February, 2024.**

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)