

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

WRIT PETITION NO. 4867 OF 2024

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Prasad Rajendra Halyali

... Petitioner

Versus

The State of Maharashtra & Ors.

... Respondents

.....
Mr. Y.B. Lengare (through VC) a/w Mr. Rutik Kashid for the Petitioner.
Mr. V.M. Mali, 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 and the learned AGP for the Respondent - State.

2. Mr. Lengare, learned counsel for the petitioner submits that consequent to death of one of employee of respondent no.4 – institution, an advertisement has been issued to fill up the post of Junior Clerk. He would submit that by following due procedure, the respondent no.4 – Institution selected and appointed the petitioner on the post of Junior Clerk vide order dated 14th April 2023. He would

submit that pursuant to the appointment order, the petitioner also joined the respondent no.4 on 17th April 2020. Learned counsel would further submits that the School Management submitted the proposal to the respondent no.3 i.e. Education Officer (Secondary) Zilla Parishad, Kolhapur seeking appointment of the petitioner in the post of Junior Clerk. He would submit that without giving any opportunity of hearing to the petitioner and the school Management, the respondent no.3 rejected the proposal, which was submitted for approval for the appointment of the petitioner in the post of Junior Clerk. He would submit that had the respondent no.3 called upon the petitioner and the school Management to cure the deficiencies, if any, in the proposal, the school Management and the petitioner would have removed those deficiencies to the satisfaction of the respondent no.3. Hence, Mr. Lengare, learned counsel for the petitioner submits that the petition be allowed and the respondent no.3 be directed to reconsider the proposal filed by respondent no.4 - school Management to seek approval for the appointment of the petitioner in the post of Junior Clerk.

3. Mr. Mali, learned AGP fairly submits that from the record it reveals that the order is passed without giving an opportunity of hearing to the petitioner and the school Management.

4. In light of this, we are of the considered view that the respondent no.3 – Education Officer (Secondary) should have passed such order only after giving proper opportunity of hearing to the petitioner and the school Management to cure / correct the deficiencies, if any. In view of that, we hold that the impugned order dated 1st August 2023, which is at page 55 of the paper book, be treated as the show-cause notice to the petitioner as also to the school Management.

5. As such, the respondent nos. 4 and 5 shall submit a comprehensive proposal to the respondent no.3 – Education Officer in respect of grant of approval to the petitioner's services on the post of Junior Clerk. The petitioner will be at liberty to submit such additional documents, if any, required to substantiate the proposal. Let this exercise be done by the petitioner as also respondent nos. 4 and 5 within a period of 4 weeks from today.

6. Upon receipt of such proposal, the respondent no.3 – Education Officer shall decide such proposal on its own merits within a period of eight weeks thereafter. Needless to mention that in the meanwhile if the respondent no.3 realize any deficiency or requires any query to be

resolved, the respondent nos. 4 and 5 and the petitioner shall be called upon to cure such deficiencies. All contentions are kept open.

7. In the event of refusal by respondent no.3 to the approval of the proposal in respect of the petitioner's services, the petitioner will be at liberty to adopt appropriate legal recourse as permissible in law.

8. With this, the Writ Petition is disposed of.

[Ajit B. Kadethankar, J.]

[M. S. Karnik]