

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

WRIT PETITION NO. 8374 OF 2024

Sanjay Baburao Naik. ... Petitioner
Versus
The State of Maharashtra & Ors. ... Respondents.

Mr. Datta H. Pawar, a/w. Mr. Karan Choudhary, Ms. Sonali Pawar, for
the Petitioner.

Mr. K.S. Thorat, B-Panel Advocate, for Respondent Nos. 1 to 3/State.

Ms. Pushpa Thapa, for Respondent Nos. 4 & 5.

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

DATE : 25th FEBRUARY, 2025

P.C. :

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

2. This is yet one more case wherein the same Education
Officer (Secondary), Zilla Parishad, Kolhapur, Dr. Eknath Ambekar has
raised objections with regard to a proposal tendered by the Management
for seeking approval to the appointment of the Petitioner as a Peon.
Instead of granting an opportunity to the Management to remove the
deficiencies, the proposal has been rejected vide the impugned order

dated 06.07.2023. In several cases involving similar orders of the present Education Officer (Secondary), this Court has quashed such orders. This Court has also imposed nominal costs on Dr. Ambokar, who has been repeatedly passing such orders.

3. On 15th October, 2024, we have passed the following order in this Petition :-

“1. The Petitioner is before us impugning the communication dated 6th July, 2023 addressed by the Education Officer (Secondary), Zilla Parishad, Kolhapur to the Head Master of the Nyaymurti Ranade Vidyalaya (Junior College), Senapati Kapashi, Taluka Kagal, District Kolhapur.

2. Having considered the submissions of the learned Advocates for the respective sides, we find that the Education Officer has called upon the Management to furnish certain documents and answer the queries raised in the said communication. We are informed that the Management had issued the advertisement in ‘Dainik Krantisinh’ and had appointed the Petitioner as a Peon on an honorarium of Rs.1,700/- per month.

3. The learned Advocate for the Management shall take instructions as to (i) whether, the post of Peon with the Nyaymurti Ranade Vidyalaya (Junior College), Senapati Kapashi, is a sanctioned post as per the staffing pattern, (ii) whether, the amount of Rs.1,700/- is as per any pay scale and (iii) whether, the approval of the Education Officer was taken prior to making the recruitment. So also, the Management needs to make a statement as regards the eight items enlisted in the communication dated 6th July, 2023, by the Education Officer (Secondary).

4. List this Petition on 22nd October, 2024, in the passing orders category.”

4. By the order dated 22nd October, 2024, we had preempted all the litigating parties that this matter would be considered finally at the admission stage.

5. The learned AGP submits on instructions that because there were deficiencies in the proposal, he had pointed out the deficiencies to the Management and rejected the proposal. We are of the view that when deficiencies are raised in the proposal, the object should be to grant the Management an opportunity of removing the deficiencies and after reworking on the proposal, an opportunity to tender the same.

6. As such, **this Petition is partly allowed**. The impugned order dated 6.7.2023, is quashed and set aside.

7. The learned Advocate for the Management submits that the contents of the impugned order would be taken as deficiencies pointed out to the Management and the Management would proceed to remove those deficiencies and submit a revised proposal, complete in all respects, within a period of 45 days from today. We direct the concerned Education Officer (Secondary) to decide the said proposal on its merit by conducting a meticulous verification exercise within 45 days of receiving the revised proposal from the Management.

8. Rule is made partly absolute in the above terms.

9. Since Mr. Ambokar has been continuously passing such orders, which we have been continuously setting aside and imposing nominal cost, we are again imposing nominal cost of Rs. 5000/-, which shall be donated by him from his salary bank account, within 21 days from today, to the following entity, with the consent of the Petitioner :-

Name: Girija Welfare Association

Account No. : 309006361574.

Bank : RBL BANK.

Branch : Kharghar

IFSC Code : RATN0000078.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)