

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
(10) WRIT PETITION NO.81 OF 2025**

Gajanan Dwarkanath Nanche and Ors.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

WITH

(53) WRIT PETITION NO.2577 OF 2025

Kashiram Dashrath Rane and Ors.Petitioners

Versus

The State of Maharashtra and Ors.Respondents

Mr. Satyajeet A. Rajeshirke a/w. Mr. Gautam R. Kulkarni for the
Petitioners in both Petitions.

Mr. Shahaji Shinde, B Panel Counsel a/w. Mr. O.A. Chandurkar,
Addl. GP for Respondent Nos.1 to 3 in WP/81/2025.

Mr. Ketan Joshi, B Panel Counsel a/w. Mr. O.A. Chandurkar, Addl.
GP for Respondent Nos.1 to 3 in WP/2577/2025.

Mrs. Kavita Rajendra Shimpi, Education Officer (Secondary), Zilla
Parishad, Sindhudurg, Respondent No.3 present in Court.

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

DATE : 24th FEBRUARY, 2025

P.C. :-

WRIT PETITION NO.81 OF 2025

1. The pending proposal dated 21st November, 2022 seeking approval to the promotion of Petitioner No.1 to the post of Senior Clerk, with effect from 1st April, 2019 has been rejected on 27th December, 2024, after the filing of this Petition, which is after two years and one month. A photostat copy of the said order dated 27th December, 2024 is taken on record and marked as 'X-1' for

identification. The proposal forwarded by the Petitioner's School on 21st November, 2022 is overleaf X-1. The same is also taken on record and marked as 'X-2' for identification. It is apparent that a permanent employee Mr. Shankar Ramchandra Chavan passed away on 19th March, 2019 and Petitioner No.1 was promoted in his place on a permanent vacant post.

2. The learned AGP has tendered a photostat copy of a communication dated 1st March, 2024 addressed by the Director, Secondary and Higher Secondary Education, Pune, to Divisional Deputy Directors of Education and Education Officers, that two Writ Petitions are pending before the Principal Seat of this Court which had passed an interim order dated 6th September, 2021 staying proposed action as regards the posts which are lapsing and the employees who are rendered surplus. A photostat copy of the said communication is taken on record and marked as 'X-3' for identification.

3. We called upon the learned AGP to explain as to how X-3 is connected with the present Petition. He had no explanation. So also, we noticed that X-3 has nothing to do with the promotion of Petitioner No.1 in place of a permanent employee who passed away.

4. In view of the above, we accept the oral request of Petitioner No.1 to add prayer clause (a1), with reference to the order dated 27th December, 2024, X-1. Addition be carried out forthwith.

5. In view of the above, **this Petition is partly allowed.**

6. The impugned order dated 27th December, 2024, X-1, is quashed and set aside.

7. The ten deficiencies/objections raised by Mrs. Kavita Rajendra Shimpi, Education Officer (Secondary), Zilla Parishad, Sindhudurg, shall be treated as a notice by Petitioner No.2 Management. All objections/deficiencies would be removed within a period of 45 days from today and the revised/reworked proposal would be tendered to Respondent No.3 immediately thereafter. We expect Respondent No.3 to conduct a meticulous verification exercise of all the records/documents annexed to the proposal and pass a reasoned order on the said proposal within a further period of 45 days.

8. We make it clear that we have not expressed any opinion on the merits of the proposal which would be preferred by the Management.

9. Since the pending proposal dated 21st November, 2022 was decided by the impugned order dated 27th December, 2024, we were inclined to impose costs. The learned Addl. GP submits, on instructions from Mrs. Shimpi, who is present in Court, that this is the first instance when such order is set aside by the High Court and she tenders an apology for the delay caused and prays that costs may not be imposed. We are, therefore, not imposing costs in this matter.

WRIT PETITION NO.2577 OF 2025

10. In this matter, the Petitioner Kashiram Dashrath Rane was promoted in place of the Petitioner Gajanan Dwarkanath Nanche, who is the Petitioner in the above Petition No.81 of 2025. Since Gajanan Dwarkanath Nanche was posted in place of the deceased Shankar Ramchandra Chavan as a Senior Clerk, Kashiram Dashrath Rane, who was working as a Peon, is said to be promoted as a Junior Clerk in the place of Gajanan Dwarkanath Nanche. In his case also, the proposal dated 17th August, 2024 has been rejected by an order dated 10th February, 2025 (wrongly typed

on the order as 10th February, 2024). The same is taken on record and marked as 'X' for identification.

11. In this matter as well, the Education Officer Mrs. Shimpi has raised 14 objections and without giving an opportunity to the Management to remove the deficiencies or meet the objections, the proposal is rejected.

12. Leave to add prayer clause (a1) with reference to the order dated 10th February, 2025, X. Addition be carried out forthwith.

13. For the same reasons, as recorded in Writ Petition No.81 of 2025 herein above, **this Petition is partly allowed**. The impugned order dated 10th February, 2025 is quashed and set aside. The same Management shall similarly cure all the deficiencies within the timeline as mentioned herein above. Further action be taken in the light of the above directions and within the same timeline.

14. The learned Addl. GP submits that in future there will be no such occasion for Mrs. Shimpi to pass such an order and if

such order comes to the notice of the Court, the Court is free to impose heavy costs.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)