

Nikita

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9562 OF 2024

Santosh Uttam Mane

...Petitioner

versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Prashant Bhavake for the Petitioner.

Mr. Utkarsh Desai for the Respondent Nos. 6 and 7.

Mr. S. B. Kalel, AGP for the State.

.....

**CORAM : M.S. KARNIK &
SHARMILA U. DESHMUKH, JJ.**

DATE : 18th AUGUST, 2025.

ORAL ORDER (Per Sharmila U. Deshmukh, J.):

1. The challenge in this petition is to the order of 12th July, 2023 passed by the Respondent No.1 Education Officer rejecting the proposals submitted by Respondent Nos. 6 and 7 seeking individual approval to the appointment of Petitioner in the unaided post of Assistant Teacher and for further direction to the Respondent No.5 to grant individual approval to the appointment of the Petitioner in unaided post of Assistant teacher, with the Respondent No.7-Secondary School w.e.f. 1st February, 2017.

2. Mr. Bhavake, learned Advocate for the Petitioner points out the Impugned order at page No.185 of the petition to submit that the order

was passed without issuing show cause notice to the Petitioner. He would further submit that raising of the deficiency No.1 is unwarranted and misconceived as the same cannot be raised in respect of an unaided post.

3. Learned AGP for the State submits that the order dated 12th July, 2023 may be considered as a show cause notice to the Petitioners and the Petitioner can file an appropriate reply to such show cause notice. Learned Counsel for the Management submits that within a period of 2 weeks an appropriate reply will be filed to such show cause notice. In the light of the above, the order of 12th July, 2023 be considered as a show cause notice. The Respondent No.6 and 7 to file an appropriate reply within two weeks.

4. Learned Advocate for the Petitioner relied upon the decision dated 11th July, 2025 passed by the Division Bench of this Court in Writ Petition No.16683 of 2024 which according to him covers the controversy involved in the present petition. Since the Impugned order is now to be treated as a show cause notice, it is for the Petitioner to place reliance on the decision before the Authority in support of his submissions. We are not expressing any opinion on the merits of the rival contentions.

5. The Writ Petition is allowed in the above said terms.

6. Education Officer to decide the show cause notice as

expeditiously as possible and preferably within a period of eight weeks from today.

[SHARMILA U. DESHMUKH, J.]

[M.S. KARNIK, J.]