

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7991 OF 2024

Bharat Shikshan Sanstha, Utgi and others]	Petitioners
versus	
The State of Maharashtra and others]	Respondents

Mr. Prashant Bhavake, for Petitioners.

Ms. T.J. Kapre, A.G.P, for Respondent – State.

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

DATE : 11th SEPTEMBER, 2025.

ORAL ORDER: [PER M.S. KARNIK, J.]:

1. Heard Mr. Bhavake, learned Counsel for the Petitioners and Ms. Kapre, learned A.G.P, for Respondents – State.
2. Proposal for approval to the appointment of Petitioner No.3 in the post of “Shikshan Sevak” was rejected by Respondent No.5 - The Education Officer (Secondary), Zilla Parishad, Sangli vide impugned order dated 8th February, 2024 as there were several deficiencies which are mentioned in the impugned order [**Exhibit J**] dated 8th February, 2024 which is at page 128 of the Paper Book.

3. Learned Counsel for the Petitioners submitted that no opportunity was given to the Petitioners to cure deficiencies mentioned in the impugned order. In our opinion, an opportunity ought to have been given by Respondent No.5 - The Education Officer (Secondary), Zilla Parishad, Sangli to the Petitioners to cure deficiencies.

4. In such view of the matter, we are of the opinion that the impugned order dated 8th February, 2024 should be treated as "Show Cause Notice" to the Petitioners. The Petitioners to cure deficiencies within a period of four weeks from today. If there are further deficiencies, Respondent No.5 - The Education Officer (Secondary), Zilla Parishad, Sangli to intimate to the Petitioners of the same. The deficiencies to be cured by the Petitioners within a period of two weeks from the date of intimation. Show Cause Notice be decided within a period of sixteen weeks from today.

5. Learned Counsel for the Petitioners submitted that so far as deficiencies No.1 and 5 in the impugned order are concerned, Respondent No.5 - The Education Officer (Secondary), Zilla Parishad, Sangli was not justified in raising such deficiencies as Petitioner No.2 is a Minority unregistered Education Institution. In support of his submission, learned Counsel for the Petitioners relied upon a decision of this Court (Aurangabad Bench) dated 2nd September, 2013 in the case of **Parbhani Education Society, Parbhani through It's President M.A. Rasheed s/o M.A. Razak Versus The State of Maharashtra and another,**

Writ Petition No.3707 of 2013. These are the matters which the Petitioners can bring to the notice of the Education Officer when explanation is offered while curing deficiencies. Undoubtedly, Education Officer will consider these matters before passing appropriate orders on merits.

6. In case, approval is granted by the Education Officer, Deputy Director of Education to allot Shalarth ID to Petitioner No.3 within a period of eight weeks.

7. The Petition is disposed of in the aforesaid terms. No order as to costs.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]