

Shailaja

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

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.12160 OF 2024

Sagar Subhash Patil] Petitioner

versus

The State of Maharashtra through Secretary]
School Education Department, Mantralaya,]
Mumbai and others] Respondents

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Mr. Datta Pawar, for Petitioner.

Mr. Shrikant Yadav, A.G.P, for Respondent – State.

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

DATE : 8th SEPTEMBER, 2025.

ORDER: [Per Sharmila U. Deshmukh, J.]:

1. Heard Mr. Pawar, learned Counsel for the Petitioner and Mr. Yadav, learned A.G.P, for Respondent – State.

2. The Petition impugns the order dated 3rd November, 2023 passed by Respondent No.3 – The Educational Officer (Secondary), Zilla Parishad, Kolhapur rejecting the proposal submitted by Respondent No.5 - The Head Master, Shree Shahu High School Junior College, Kagal, Taluka Kagal, District

Kolhapur for approval of the appointment of the Petitioner as “Peon” with Respondent No.5.

3. The facts of the Petition are that on 30th December, 2015, the Petitioner participated in the selection process and was selected for the post of “Peon” with Respondent No.5 – School on 1st January, 2016. On 20th October, 2023, Respondents No.5 submitted a proposal to Respondent No.3 – The Educational Officer (Secondary) Zilla Parishad, Kolhapur for approval of the appointment of the Petitioner as “Peon” which came to be rejected by the impugned order dated 3rd November, 2023.

4. Learned Counsel appearing for the Petitioner has drawn our attention to the impugned order dated 3rd November, 2023 and submits that the order sets out the deficiencies in the appointment process and without giving an opportunity to submit an explanation or rectify the deficiencies, straightway rejects the proposal. He submits that Co-ordinate Bench of this Court in case of **Bhagwan Pandurang Powar Versus The State of Maharashtra and others in Writ Petition No.15111 of 2023** decided on 11th June, 2024 has adopted a course by treating the order setting out deficiency as “Show Cause Notice” and giving an opportunity to the Petitioner/Management to submit necessary explanation to the deficiency set out in the impugned order. He submits that similar course be adopted in the present Petition.

5. Learned A.G.P supports the impugned order and submits that the proposal came to be rejected as there were deficiencies in the proposal submitted by the Management.

6. We have considered the submissions made by the learned Counsel for the Petitioner and perused the impugned order dated 3rd November, 2023. The impugned order rejects the proposal for approval of the appointment of the Petitioner as “Peon” submitted by the Management on account of deficiencies which were listed in the said order. Considering that no opportunity has been given to the Petitioner/Management to submit an explanation to the deficiencies set out in the impugned order, we deem it appropriate to follow the same course that was adopted by the Co-ordinate Bench of this Court in case of **Bhagwan Pandurang Powar** (supra).

7. In that view of the matter, the Petition is disposed of by directing that the impugned order dated 3rd November, 2023 be treated as a Show Cause Notice to the Petitioner/Management. Respondents No.4 and 5 to submit the necessary explanation and/or cure the deficiencies set out in the order dated 3rd November, 2023 within a period of three weeks from today. Respondent No.3 to thereafter decide the proposal afresh after due consideration of the explanation submitted within a period of eight weeks thereafter.

8. Needless to submit that we have not expressed any opinion on the Petitioner's proposal and the same shall be decided on its own merits in accordance with law.

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

10. All contentions of the parties are expressly kept open.

[SHARMILA U. DESHMUKH. J.]

[M.S. KARNIK, J.]