

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

(SR NO.22) WRIT PETITION NO. 4379 OF 2024

Avinash Jaywant Patil	...Petitioner
Versus	
State of Maharashtra and Ors.	...Respondents

AND

(SR NO.67) WRIT PETITION NO. 3601 OF 2024

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Smt. Bhumika Bharat Mhatre (Nee: Latika Pandurang Shelke)	...Petitioner
Versus	
State of Maharashtra and Ors.	...Respondents

Writ Petition No. 4379/2024

Mr. C.G. Patil i/b Gaurav Nankar for the Petitioner.

Mr. V.M. Mali, AGP for the Respondent/State.

Writ Petition No. 3601/2024

Mr. Prashant Bhavake for the Petitioner.

Mrs. Rupali Shinde, AGP for Respondent Nos. 1 to 4/State.

**CORAM : NITIN JAMDAR AND
M.M. SATHAYE, JJ.**

DATE : 1 APRIL 2024

P.C.:

. Heard learned counsel for the parties. These petitions involve common argument about impugned orders and hence being

disposed off by common order. Necessary details for passing common order are as below.

WP No.	Petitioner	Respondent Management / School	Proposal for approval to	Impugned Order dated	Impugned Order passed by
4379/24	Avinash Jaywant Patil	4. Khedut Shikshan Mandal 5. The New English School, Kolhapur	Appointment as Peon	31.05.23	Respondent No.3 Education Officer (Secondary), Zilla Parishad, Kolhapur
3601/24	Bhumika Bharat Mhatre	5. Konkan Education Society 6. K.E.S.V.K High School and Junior College	Transfer from unaided to aided post	02.01.24	Respondent No. 4 Deputy Director of Education, Mumbai

2. Petitioners/employees working with Respondent Managements / Schools, are challenging the aforesaid respective impugned Orders under which, their respective proposals are rejected by the respective Respondent Education Officers. Learned counsel for the Petitioners state that there is no internal dispute in the respective Respondent Managements and they are supporting the cause of the Petitioners. We proceed on the basis of said statement.

3. It is submitted that the impugned orders are passed without any show cause notice and had an opportunity been given, the Petitioners / Respondent Managements would have given appropriate and necessary explanation to reasons stated in impugned

order for rejecting proposal.

4. Perused the impugned Orders. They have resulted in a situation where inquiry about the grounds of rejection are required to be done first time in this Court.

5. In that view of the matter, we dispose of these petitions by directing that the respective impugned orders will be treated as notices to respective Respondent Educational Institutes of the proposed ground/s for rejection of Petitioners' proposals, which stand restored. If there are any other grounds on which the respective Respondent Education Officers intends to return or reject the proposals, they are directed to communicate the same to the respective Respondent/Educational Institutes within a period of 3 weeks from today.

6. The respective Respondent Educational Institutes shall thereafter submit their explanation to the proposed grounds, along with supporting material including government resolutions, case laws / orders of this Court etc. if relied upon. The respective Respondent Education Officers are directed to decide the respective Petitioners' proposal thereafter within a period of 8 weeks, by dealing with the explanation given by the Educational Institutes as also dealing with case law/orders of this Court, by passing reasoned orders, subject to other time bound directions.

7. We have not expressed any opinion on the Petitioners' proposals and the same shall be decided on its own merits in accordance with law. Needless to mention that if the respective Respondent Education Officers proceed to grant proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure/directions will not apply.

8. The writ petitions are disposed of in the aforesaid terms.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)