

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 327 OF 2024

Shri Mansing Dinkar Patil

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

...

Mr.Prashant Bhavake, Advocate for the Petitioner.

Mr.B.V.Samant, Addl.GP with Mr.M.M.Pabale, AGP for the
Respondent -State.

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

...

CORAM : RAVINDRA V. GHUGE

&

ASHWIN D. BHOBE, JJ.

DATE : 28th February, 2025

P.C. :-

1. This is one more case of Dr. Eknath Ambokar, Education Officer (Secondary), Zilla Parishad, Kolhapur, passing such an order, which we have been deprecating for the last more than two years.

2. A proposal for granting approval to the appointment of a Shikshan Sevak, dated 15th June, 2016, is rejected by the impugned order dated 8th June, 2023, by listing out various deficiencies in the proposal.

3. Time and again, we have been passing hundreds of orders setting aside such orders and directing the Education Officers that, when they list out the deficiencies in any proposal, an opportunity to remove the deficiencies should be granted to the Management, instead of listing out the deficiencies as a formality and rejecting the proposal.

4. In view of the above, this **Writ Petition is partly allowed**. The impugned order dated 8th June, 2023, is quashed and set aside.

5. The deficiencies listed out in the said order shall be treated as a notice to Respondent No.6, Management. The said Management would work on the said deficiencies and tender a revised proposal, complete in all respects and abiding by the checklist issued by the State Government, vide Government Resolution dated 10th June, 2022, within 45 days from today. Thereafter, the Education Officer, Respondent No.5 shall carry out a meticulous verification exercise and after considering each and every document with regard to the appointment of the Petitioner, in the light of the revised proposal and the checklist, a reasoned order

shall be passed within 45 days from the date of the submission of the revised proposal by the Petitioner.

6. If the Petitioner or the Management is aggrieved by any adverse decision, they are at liberty to avail of a remedy, as is permissible in law. However, if the approval is granted to the appointment of the Petitioner, all other legal consequences and steps for allotment of the Shalarth-ID, would be initiated expeditiously.

7. Respondent No.5, Education Officer, shall deposit cost of Rs.2,500/- in this Court, from his salary bank account, by way of donation, for disobeying the orders of this Court. The Registry shall transfer the said amount, by the consent of the Petitioner, to the High Court Employees Medical Welfare Fund at Mumbai, details of which are as under :-

Account No.	:	000120110001337
Bank	:	Bank of India
Branch	:	Mumbai Main
IFSC Code	:	BKID0000001

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)