

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.5883 OF 2024

Sunita Pandurang KolapkarPetitioner

versus

The State of Maharashtra & Ors.Respondents

WITH

WRIT PETITION NO.5910 OF 2024

Yojana Sachin PatilPetitioner

versus

The State of Maharashtra & Ors.Respondents

Mr. Vivek V. Salunke, Advocate for the Petitioner.

Ms. Nisha Mehra, AGP for Respondent Nos.1 and 2-State in WP/5883/2024.

Mr. Vaibhav Charalwar, 'B' Panel Advocate, for Respondent Nos.1 and 2-State in WP/5910/2024.

Mr. Narendra V. Bandiwadekar, Sr. Advocate a/w Rajendra B. Khaire i/by Ms. Ashwini N. Bandiwadekar, Advocate for Respondent No.3.

**CORAM : RAVINDRA V. GHUGE
&
ASHWIN D. BHOBE, JJ.**

DATE : 6th FEBRUARY, 2025

P.C. :-

1. These are yet two more cases, despite hundreds of orders passed by this Court at the Principal Seat and at the Aurangabad Bench directing authorities that when they notice deficiencies in a proposal, they should follow the principles of natural justice and call upon the management to remove the deficiencies within a time-frame. Thereafter, if there are serious illegalities, not in the nature of deficiencies, the authority can proceed to pass orders on merits with reasons. In the last three to four years, this Court has passed hundreds of such orders. In some matters we have imposed costs on the authority passing such orders. Yet, the same attitude of the authority continues to be reflected in the impugned orders.

2. In both these matters, the impugned orders dated 30th August, 2023 and 28th December, 2023, are indicative of deficiencies having being pointed out by the same Deputy Director, Kolhapur, Division Kolhapur, Shri Mahesh J. Chothe. We are also pointed out that this very Deputy Director, Education Kolhapur has already faced several orders in such matters. The learned AGPs in both these matters made a valiant attempt to convince the Court that cost should not be imposed on the Deputy Director, Education. We

would have acceded to their request had this been the first occasion. Since repeatedly, he had passed orders concerning the same Officer, the request is not accepted.

3. In view of the above, we are passing similar orders in these two matters.

4. **Both these Writ Petitions are partly allowed.** The impugned orders are quashed and set aside. The contents of the impugned order shall be treated as notice to the management which shall deal with each of the objections and submit revised proposals, on or before 15th March, 2025. Thereafter, the Deputy Director, Education would follow the due procedure laid down in law and after conducting a meticulous inquiry and verification of the documents, a reasoned order shall be passed within 60 days thereafter. Copies of the orders shall be served on the management expeditiously.

5. Akin to the earlier orders, we are imposing cost of **Rs. 2,500/-** in each of these Petitions, to be deposited in this Court from the salary bank account of the Deputy Director, Education,

Kolhapur, within three weeks from today.

6. With the consent of the parties, the Registry shall transfer the said amount to The High Court Employees Medical Welfare Fund at Mumbai, on the following details:-

The High Court Employees Medical Welfare Fund at Mumbai.

Account Number : 000120110001337

Bank : Bank of India

Branch : Mumbai Main

IFSC Code : BKID0000001

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)