

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7189 OF 2024**

Archana Chintaman PatilPetitioner

Versus

The State of Maharashtra and Ors.Respondents

Mr. Saurabh Pakale a/w. Mr. Nilesh Desai for the Petitioner.
Ms. Pooja Joshi, AGP for Respondent Nos.1 to 3.
Mr. Onkar Wable i/b. Mr. Milind Deshmukh for Respondent Nos.4
and 5.

**CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.
DATE : 11th FEBRUARY, 2025**

P.C. :-

1. We have considered the submissions of the learned Advocate for the Petitioner and the learned AGP. With their assistance, we have perused the Petition Paper Book.

2. The impugned order dated 14th February, 2024 reads as under :

उपरोक्त विषयान्वये संदर्भित क्रं 03 येथील पत्रान्वये प्राप्त झालेल्या रिट पिटीशन नंं 2549/2018 या प्रकरणाच्या रिटचे अवलोकन करता वरील विषयातील नमुदशिक्षक सदर दाव्यात वादी नाहीत. यास्तव शासन परिपत्रक क्र.संकीर्ण-2022/प्र.क्र. 120/टिएनटि-1 दि.01 डिसेंबर 2022 अन्वये दि.01/04/2021

रोजीच्या शासन निर्णयास स्थगिती असल्याने प्रकरणी देता येत नाही. यास्तव सदरचा प्रस्ताव अमान्य करण्यात येऊन, निकाली काढण्यात येत आहे.

3. The reason why we have reproduced the impugned order here inabove, is for the purpose of recording that the Education Officer, Secondary, Zilla Parishad, Nashik, Mr. Pravin Patil has not even applied his mind to the pending proposal. In fact, we are unable to gather any meaning out of the above reproduced order in the backdrop of the Petitioner having been appointed as an Assistant Teacher on a sanctioned post, on 18th July, 2016. By an order dated 22nd September, 2022, the then Education Officer, Secondary, Dr. M.V. Kadam, has granted an approval to the appointment of the Petitioner, as well as the pay scale. In this backdrop, we are unable to understand as to what was intended by the said Education Officer, Secondary, in passing the above reproduced order.

4. It is crystalized law that reasons are the heart and soul of an order, which would indicate application of mind. Reasons cannot be supplanted if they are missing from the order.

5. Considering the legal position, **this Writ Petition is partly allowed**. The impugned order is quashed and set aside. The pending proposal dated 12th May, 2023 shall stand restored to the office of the said Education Officer. He shall follow the due procedure laid down in law, carry out a due verification of the records and after considering every ingredient of Rule 41-A of the Maharashtra Employees of Private Schools (Conditions of Service) Rules, 1981 and also upon verification of whether an eligible surplus teacher, senior to the Petitioner, is available or not, pass a reasoned order. Let this exercise be completed within a period of 60 days from today.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)