
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12139 OF 2024

Sagar Shankar Kengar & Ors. .. Petitioners

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. Prashant Bhavake for the Petitioner.

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

Mr. P. P. Kakade, Addl.G.P. a/w S. B. Kalel, AGP for the State.

CORAM: RAVINDRA V. GHUGE &
GAUTAM A. ANKHAD, JJ.

DATE: JULY 17, 2025

Oral Judgment (Per Gautam A. Ankhad, J.):-

1. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

2. Considering the various orders that have been passed by this Court in similar set of circumstances, we do not have to advert to all the submissions of the learned Advocates appearing for the parties. Suffice it to say that, the

impugned order dated 28th October, 2023 contains certain objections raised by the Education Officer (Primary), Kolhapur Zilla Parishad, Kolhapur, to which an opportunity to explain away the deficiencies or place additional documents on record, should have been granted to the Management.

3. The learned Advocate for the Management submits that if one opportunity is granted to them, a revised proposal would be placed before the said Authorities along with written submissions and certain case law.

4. In view of the above, **this Petition is disposed off with the following directions:-**

- a. The impugned order dated 28th October, 2023 shall not be treated as rejection of the pending proposal dated 23rd August, 2023. The said proposal stands restored to the file of Respondent No.5.
- b. The contents of the impugned order dated 28th October, 2023 shall be treated as a notice to the Management. The management shall revise the proposal and place the documents asked for, along with the proposal, before Respondent No.5. Written submissions, if desired, along with

case law, would be placed on record along with the revised proposal. This exercise will be completed within a period of 30 days. Thereafter, Respondent No.5 would follow the due procedure laid down in law and pass a reasoned order on the revised proposal, within a period of 45 days.

- c. It is needless to state that we have not expressed any view or opinion about the claim of the Petitioner and Respondent No.5 is at liberty to arrive at a decision, independently.
- d. In the event, the proposal is rejected, the aggrieved parties are at liberty to avail of the remedy permissible in law. If the proposal is accepted, the concerned Authorities would follow the due procedure for grant of Shalarth ID to the Petitioner.

5. Rule is discharged.

[GAUTAM A. ANKHAD, J.]

[RAVINDRA V. GHUGE, J.]