

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIRCUIT BENCH AT KOLHAPUR
CIVIL APPELLATE JURISDICTION

(916) WRIT PETITION NO. 14824 OF 2024

Smt Nita Suresh Oulkar ...Petitioner
Versus

The State Of Maharashtra Throu. The Sec.
School Education And Sports Dept And Ors ...Respondents

WITH

WRIT PETITION NO. 11002 OF 2024

Parashram Sitaram Kolkar ...Petitioner
Versus

The State Of Maharashtra Thr
The Secretary And Ors ...Respondents

WITH

(33) WRIT PETITION NO. 15544 OF 2024

Bharati Gopal Patil ...Petitioner
Versus

The State Of Maharashtra Thr
The Secretary And Ors ...Respondents

Mr. Prashant Bhavake, Advocate for petitioner in all petitions.

Mr. Utkarsh Desai, Adocate for respondent nos. 6 & 7 in all petitions.

Mr. Suresh Pakale (Through VC) a/w. Mr. Onkar Ghatage, Advocate for
respondent no.6 in all petitions.

Mr. Siddheshwar Kalel, AGP for respondents-State in WP/14824/2024 &
WP/11002/2024.

Mr. Vikas Mali, AGP for respondents-State in WP/15544/2024.

**Coram : Madhav J. Jamdar &
Pravin S. Patil, JJ.**

Date : April 2, 2026.

P.C. :

1. In all these Writ Petitions, a identical prayer is made by the petitioners that their individual proposals of approval forwarded to the Education Officer by respondent nos. 6 and 7 be directed to be decided on their own merits. As such considering the identical prayer in all these petitions, they are being disposed of by this common order.

2. It is the case of petitioners that they being qualified to the respective post in the school run by respondent No.6, came to be appointment by following due procedure of law. After their appointment, the respective Head Master of school forwarded the individual proposal of approval of petitioners to Respondent No.5 Education Officer. However, for a considerable period no decision is taken by Education Officer, therefore, approached before this Court seeking direction against him to decide the same in time bound period.

3. It seems that management of Respondent No. 6 is in dispute. One group is supporting the petitioners and other group is disputing the appointment of petitioners. In the present matters, one Bharmu S. Patil filed affidavit and raised various grounds to demonstrate that appointment of petitioners being illegal, no approval should be granted by Education officer in their favour.

4. During the course of hearing, the petitioners have placed on record an order passed by the Education Officer dated 20th May 2025, wherein it is stated that as the present petitions are pending before this Court, could not take decision on pending proposal.

5. In light of the submissions of both sides, it would be relevant to refer to the judgment of this Court in *Navnath Narsing Gore vs. State of Maharashtra*, reported in *2021 (6) Mh.L.J. 118*, wherein paragraph 32 reads thus:

“32. From the pleadings as well as during the hearing it become evident that the dispute referred to in the order 20-1-2016 was in relation to management of the institution by rival claimants. Such dispute had no nexus or connection with the selection and appointment of the petitioner and the approval sought for. Just because there was a dispute as to control of management of the Institution that could not have been a ground to decline approval or to keep such approval in abeyance. Routine affairs of the institution including appointments and approvals thereto are to be considered de-hors such tussle as to management of the institution. That being the position impugned order dated 20-1-2016 cannot be sustained and is liable to be set aside and quashed.”

6. In such circumstances in our considered opinion the Education officer is bound by the provisions of law to decide the proposal of approval. At the time of deciding approval he can considered the objection of Respondent No.6 and decide the same on it's own merit. During such hearing Petitioners as well as Respondents can raise all issues and point out the law laid down by this Court on such issues. Thereafter Education Officer can take independent decision on proposal

of approval.

7. In view of the above, we pass the following order:

(I) The Writ Petitions are partly allowed.

(ii) Respondent No.5 – Education Officer is directed to decide the pending individual proposals of the petitioners by granting an opportunity of hearing to the petitioners as well as all stakeholders. The Education Officer shall consider all objections and submissions and decide the proposals on their own merits by recording cogent reasons.

8. It is further directed that the aforesaid exercise shall be completed within a period of three months from the date of production of this order.

9. All contentions of the parties raised in this petition are expressly kept open.

10. The Writ Petitions stand disposed of in the above terms. No order as to costs.

[Pravin S. Patil, J.]

[Madhav J. Jamdar, J.]