

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

WRIT PETITION NO. 16080 OF 2024

Prabhakar Manik Dahiphale

... Petitioner

Versus

The State Of Maharashtra Thru Its Principal Sec.
Other Backward Bahujan Welfare Dept And Ors

... Respondent

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Mr. S.G. Kudle (through VC) a/w Q.H. Kudle for the Petitioner.
Mr. Anvil S. Kalekar for Respondent No.3.
Ms.T.J. Kapre, AGP for the Respondent - State.
.....

**CORAM : MADHAV J. JAMDAR &
PRAVIN S. PATIL, JJ.**

DATE : 13th MARCH, 2026.

P. C. :

1. In the present petition, petitioner challenged the impugned order / direction, dated 8th January 2024 issued by the Regional Deputy Director, Other Backward Class Development, Pune Division, Pune whereby he has refused to grant approval to the proposal of Management on the ground that there is no procedure to grant post-facto sanction to the proposal.

2. In the present case, it is admitted fact that the Management of the School, considering the availability of vacancy at Secondary Ashram

School, Lamboti requested to absorb the services of Petitioner on the said vacant post. The same was also recommended by Assistant Commissioner of Social Welfare, Solapur. As a result, Regional Deputy Commissioner of Social Welfare accepted the recommendation and absorbed the Petitioner against the post of Assistant Teacher at Secondary Ashram School.

3. After absorption of Petitioner, the proposal was forwarded to Respondent No.2 through Assistant Commissioner, Social Welfare, Solapur. He has accordingly forwarded the said proposal to the Regional Deputy Director of other Backward Class Development Department, with recommendation that there would be no harm if the post sanction has been granted to the promotion of the Petitioner.

4. In the backdrop of this proposal, Respondent No.2 who was supposed to decide the proposal on its own merits or record the reasons as to why the proposal of promotion of the Petitioner is illegal, without disclosing any such reasons, simply by recording the reason that post-facto sanction cannot be granted, rejected the proposal which according to us is illegal. In our opinion, the Authority is required to record reason if they are not agree to approve the proposal.

5. In the circumstances, the Respondent No.2 is required to be directed to decide the proposal forwarded by Assistant Commissioner, Social Welfare, Solapur dated 6th September 2023 afresh on its own merit, by recording cogent reasons in the order.

6. Hence, we pass following order :-

ORDER

(a) The present petition is partly allowed.

(b) The impugned order dated 8th January 2024 is hereby quashed and set aside. The matter is relegated back to the Respondent No.2 to decide afresh the proposal dated 6th September 2023 forwarded by Assistant Commissioner, Social Welfare, Solapur within a period of 8 weeks from the date of production of this order.

7. The Writ Petition stands disposed of in the above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[MADHAV J. JAMDAR, J.]