

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10328 OF 2025

Rahul Dnyaneshwar Patil

... Petitioner

Versus

The State of Maharashtra and Others

... Respondents

VISHAL
SUBHASH
PAREKAR

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VISHAL SUBHASH
PAREKAR
Date: 2026.04.10
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Mr.Ashwin Kapadnis, for the Petitioner.

Mr. Abhijeet Naik, for Respondent Nos. 1 to 5.

**CORAM : RAVINDRA V. GHUGE &
ABHAY J. MANTRI, JJ.**

DATE : 9th APRIL, 2026

P.C:

1. In the backdrop of the order dated 6th April, 2026 by which we had called upon the learned AGP to make a statement as to whether the hearing on the objections before the impugned rejection order dated 25th April, 2025 was passed, we are informed that the Education Officer did not conduct any hearing on the objections that he raised, prior to issuing the impugned order.

2. The proposal seeking approval to the appointment of the Petitioner as “Junior Clerk” has been rejected vide the impugned order. In the absence of approval, the Petitioner is not able to receive the salary as per the salary grants available.

3. In Writ Petition No. 5227 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 25 November 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By the said impugned Order, the approval for Petitioner's appointment as a Junior Clerk is rejected.

4. In Writ Petition No. 5232 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 16 November 2022 passed by Respondent No. 5 / Education Officer (Secondary), Zilla Parishad, Kolhapur. By the said impugned Order, the approval for Petitioner's appointment as Junior Clerk is rejected.

5. In Writ Petition No. 5234 of 2024, Petitioner/ employee working with Respondent No. 7 School run by Respondent No. 6 Educational Institute, is challenging the Order dated 8 September 2022 passed by Respondent No. 5 / Education Officer (Secondary), Raigad Zilla Parishad, Alibag. By said impugned Order, the approval for Petitioner's appointment as Junior Clerk is rejected.

6. Learned counsel for the Respondent Nos. 6 & 7 - Management in all petitions, states that there is no internal dispute in the Managements and they are supporting the cause of the respective Petitioners.

7. It is submitted that the impugned orders are passed without any show cause notice and had an opportunity been given, the Petitioners / Respondent Managements would have given appropriate and necessary explanation to the reasons stated in impugned order for rejecting proposals

8. Perused the impugned Orders. They have resulted in a situation where inquiry about the grounds of rejection are required to be done for the first time in this Court.

9. The Division Bench of this Court in the decision of *Nitin B. Tadge Vs. State of Maharashtra*¹ and other companion petitions, after considering that in large number of cases Petitions are filed making a similar grievance, has issued the directions as under: :

“PART- II

A. (i) We direct that upon receipt of a proposal seeking approval, the Educational Authority, as per the

¹ WP No. 204/2019 Dt.16-04-2024.

methodology laid down in the Government Resolution dated 6 February 2012, will communicate the shortfalls/objections in the proposal submitted by the Management/Employer as the case may be calling for explanation giving them reasonable time. Upon receipt of such explanations, the Educational Authority will examine the explanation and pass a reasoned order.

(ii) If any judicial pronouncement is cited regarding the shortfalls/ objections in the explanation, then in the reasoned order, the Educational Authority will specifically address the legal position laid down by the said judicial pronouncement.

(iii) It is emphasized that avoiding referring to and avoiding considering the legal position laid down in the judicial pronouncement would be viewed seriously and may result in action under the contempt jurisdiction of this Court.”

10. In view of the above directions, we are modifying the impugned order into a notice for hearing and further steps shall be taken by all concerned, in view of the above directions.

11. With the above directions, **this Writ Petition is disposed off.**

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)