

**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 & Ors.

....Respondents

Ms. Sakshi Thombre a/w. Mr. Bhavesh Paithane i/b. Mr. Ashwin Kapadnis for the Petitioner.

Mr. P.P. Kakade, Addl. GP a/w. Mr. Abhijeet Naik, AGP for Respondent Nos.1 to 5.

CORAM : RAVINDRA V. GHUGE

&

ABHAY J. MANTRI, JJ.

(THROUGH V.C.)

DATE : 24th APRIL, 2026

P.C. :-

1. The learned Advocate Ms. Thombre appearing on behalf of the Petitioner and the learned Addl. GP Mr. Kakade appearing on behalf of Respondent Nos.1 to 5, jointly submit that, since the Petitioner herein was identically placed with some other Petitioners, the earlier order passed by this Court was cited for copying certain paragraphs from that order into the order in this Petition dated 9th April, 2026.

2. It appears that our Stenographer got confused because two copies of similar orders were handed over to him, and he included incorrect paragraphs in the order dated 9th April, 2026 passed in this Petition.

3. In view of the above, and by consent of the parties, the order dated 9th April, 2026, shall now read as under :

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 took place on the objections before the impugned order of rejection 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. It is submitted that the impugned order is passed without any show cause notice and had an opportunity been given, the Petitioner / Respondent Management would have given appropriate and necessary explanation to the reasons stated in impugned order for rejecting proposal.

4. Upon perusal of the impugned order, it appears that an inquiry about the grounds of rejection is required to be done for the first time in this Court.

5. The Division Bench of this Court in the decision of *Nitin B. Tadge v/s. 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 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

1 Order dated 16th April, 2024 in Writ Petition No.204 of 2019

jurisdiction of this Court.”

6. In that view of the matter, we dispose off this Petition by directing that the aforesaid impugned order will be treated as notice to Respondent / Educational Institute of the proposed ground for rejection of Petitioner’s proposal, which stand restored. If there are any other grounds on which the Respondent Education Officer intend to return or reject the proposal, he/she is directed to communicate the same to the respective Respondent / Educational Institute within a period of three weeks from today.

7. The Respondent Educational Institute shall thereafter submit its explanation to the proposed grounds, along with supporting material including Government Resolutions, case laws / orders of this Court etc. if relied upon. The Respondent Education Officer is directed to decide the proposal thereafter within a period of eight weeks, by dealing with the explanation given by the Educational Institute as also dealing with case law / orders of this Court, by passing a reasoned order, subject to other time bound directions. The order may be passed keeping in view the directions are above.

8. We have not expressed any opinion on the Petitioner’s proposal and the same shall be decided on its own merits in accordance with law. Needless to mention that if the Respondent Education Officer proceed to grant proposal as prayed, consequent benefits and orders will follow, and in that case, the aforesaid procedure / directions will not apply.

4. The original order be corrected and the corrected order be uploaded.

(ABHAY J. MANTRI, J.)

(RAVINDRA V. GHUGE, J.)