

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2072 OF 2014

KHATIB SAYYADA KHUTEJA BEGUM MASIUDDIN
VERSUS
THE EDUCATION OFFICER (SECONDARY), ZILLA PARISHAD ,
OSMANABAD AND OTHERS

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Advocate for Petitioner : Katneshwarkar P.R.
AGP for Respondents State: Mrs.S.A.Dhumal
Adv.M.G.Biradar for R.3.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 9th February, 2015.

P.C. :

Mr.Katneshwarkar, learned counsel for petitioner submits that proposal submitted by the management for approval to the appointment of the petitioner on Grant-in-Aid basis pursuant to the resolution dated 28/3/2013 is rejected only on the ground that N.O.C. of the Education Department is not obtained before appointing the petitioner.

2] According to the learned counsel petitioner was appointed in the year 2008 on Non-Grant basis. In 2013, one of the teachers working on Grant-in-Aid basis had retired and Resolution came to be passed on 28/3/2013 to appoint petitioner in place of the said

retired person as the petitioner was already working on Non-Grant-in-Aid post since 2008. The G.R. dated 6/2/2012 is later in point of time and would not be applicable to appointments made in 2008. The institution is a minority institution. The said aspect has not been considered. Learned counsel further submits that the approval has been rejected even without issuing notice to the management or the petitioner. All these facts could have been brought to the notice of the Education Officer.

3] We have heard learned AGP also. It does not appear that the Education Officer has considered all the aforesaid facts which are narrated by learned counsel for petitioner. It was for the Education Officer to consider all the aspects of the matter. The impugned order does not specify that all these aspects have been considered.

4] In light of the above, impugned order is quashed and set aside. The Education Officer shall decide proposal received by him from the management dated 28/8/2013 seeking approval to the appointment of the petitioner on Grant-in-Aid post afresh after hearing petitioner and respondent-management expeditiously on its own merits. Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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