

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3659 OF 2015

Laxman Nagnathrao Paidakulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Abhijit G. Choudhari, Advocate for the Petitioner.
Smt. S. A. Dhumal, A. G. P. for Respondent Nos. 1 and 2.
Shri V. S. Panpatte, Advocate for the Respondent No. 3.
Shri P. D Bachate, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 29TH JULY, 2015.

PER COURT :

. The order rejecting the proposal seeking approval to the appointment of the petitioner is assailed. It is submitted that, without hearing the parties the order is passed. According to the learned counsel for the management proper procedure has been followed while appointing the petitioner. Even permission was sought from the authorities for filling in the post vide letter dated 16.01.2015. No reply was received. Thereafter advertisement was issued and the post was filled in by following procedure.

2. We have also heard Mr. Bachate, the learned counsel for the respondent No. 4, who submits that the order is rightly passed.

3. The learned A. G. P. states that, considering the facts of the case, there are surplus candidates to be absorbed, still the post is filled in.

4. It is shown that application was made to the authorities seeking permission to fill in the post. The advertisement has been issued. All these aspects do not seem to have been considered while passing the impugned order. It would be appropriate for the Education Officer to consider all relevant aspects while passing any order on the proposal seeking approval to the appointment of the petitioner.

5. In the light of the above, we pass the following order.

6. The impugned order is quashed and set aside. The parties are relegated before the Education Officer. The Education Officer shall after hearing all the parties decide the proposal seeking approval to the appointment of the petitioner on its own merits, in accordance with law and policy expeditiously and preferably within a period of six (6) months from today. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]