

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

WRIT PETITION NO. 8248 OF 2015

PUSHPA DINKAR LATE
VERSUS
EDUCATION OFFICER AND OTHERS

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Advocate for Petitioner : Mr.R.R.Deshmukh h/f Mr.Natu Sharad V.
AGP for Respondents: Mr. K G Patil

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CORAM : S V GANGAPURWALA & V.K. JADHAV, JJ.
Dated: August 10, 2015

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PER COURT :-

1. Learned counsel for the petitioner states that, the respondent No.3 has submitted proposal seeking approval to the appointment of the petitioner on the grant-in-aid post school. The school where the petitioner was earlier working was closed down. The petitioner was placed in grant in aid post of the school run by the same institution. According to the learned counsel, only on the ground that the petitioner is not selected through selection process, impugned order has been passed.

2. Mr. Patil learned AGP submits that the Education Officer has considered the fact that the petitioner was not appointed through duly selection process and, as such, has rightly passed the order.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The respondent No.3 is minority institution. Said aspect has not been considered while passing the impugned order. It is also submitted that the school where the petitioner was working earlier was closed down, as such, petitioner was transferred/absorbed in the another school run by the said Management, which would be permissible. Said aspect has not been considered by the Education Officer. In light of that, we pass following order.

O R D E R

- I. The impugned order is quashed and set aside.
 - II. The respondent No.1 - Education Officer shall re-consider the proposal submitted to it seeking approval to the appointment of the petitioner, on its own merits, and shall not reject it on the ground stated in the impugned order.
5. Writ Petition accordingly disposed of. No costs.

(V.K. JADHAV, J.)

(S V GANGAPURWALA, J.)

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aaa/-