

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.
APPELLATE SIDE JURISDICTION

WRIT PETITION NO. 9981 OF 2014

VISHWANATH BHIVA SONWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Shelke Shivaji T.

AGP for Respondents: Mr.A.S.Shinde.

Advocate for Respondent Nos.3 : Mr. A.G. Ambetkar.

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

DATE : 10th February, 2015.

P.C.:

1. Mr.Shelke, learned counsel submits that the proposal seeking approval to the appointment of the Petitioner has been rejected on the ground that the Petitioner has a degree of Politics (राज्यशास्त्र).

2. The learned counsel submits that the curriculum of IXth and Xth standards has undergone change. As per the circular dated 11th April, 2012, the Respondents could have considered the case for approval as and from the date of curriculum having undergone change. The order is illegal. The learned counsel relies on the judgment of the Division Bench of this Court in Writ Petition No.1058 of 2014 and Writ Petition No.1061 of 2014, dated 29th April, 2014.

3. The learned AGP submits that the Petitioner as was not possessing the qualification as required, proposal has been rightly rejected. No error has been committed.

4. The impugned order does not suggest that the authority had considered the change of curriculum as envisaged in the circular dated

11th April, 2012. Though the approval may have been claimed from the earlier date, the position as on the said date, could have been considered by the Education Officer. The approval could have been awarded from the date the curriculum has undergone changed. There was no impediment for the Education Officer for the same.

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

- I. The impugned order is quashed and set aside.
- II. The Education Officer shall consider the circular dated 11th April, 2012 (Exhibit – 'F') and considering the said circular, decide the proposal seeking approval to the appointment of the Petitioner afresh.
- III. The Petitioner may represent himself before the Education Officer.
- IV. The Education Officer shall decide the said proposal, expeditiously, preferably within three months.
- V. Accordingly, the writ petition is disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

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