

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

WRIT PETITION NO. 2384 OF 2016

**EKNATH SAJJAN BHOYE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mrs.S.K.Doke, advocate for petitioner
Mr.V.S.Badakh, AGP for respondent nos.1 to 3
Mr.E.S.Murge, advocate for respondent nos.4 and 5

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**CORAM : S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.
DATE : APRIL 27, 2016**

PER COURT :

Heard the learned counsel appearing for the petitioner; the learned AGP appearing for respondent nos.1 to 3; and the learned counsel appearing for respondent nos.4 and 5.

2] Upon perusal of the reasons assigned by respondent no.3 – Education Officer in its communication dated 30th August, 2013 addressed to respondent no.6 – Headmaster, it appears that on flimsy grounds, the proposal for approval of

appointment of the petitioner, has been rejected. In fact, on the said grounds, the proposal should not have been rejected by respondent no.3 – Education Officer.

3] The learned counsel appearing for respondent nos.4 and 5 submits that after removing the defects, the proposal was resubmitted to the office of respondent no.3.

4] In that view of the matter, we quash and set aside the impugned communication dated 30th August, 2013. We direct respondent no.3 – Education Officer to take a decision on the said resubmitted proposal as expeditiously as possible, however, on or before 20th May, 2016 and communicate the decision to respondent no.6.

5] Needless to observed that respondent no.3 – Education Officer shall not reject the said

proposal on technical grounds as has been raised in the communication dated 30th August, 2013.

6] The Writ Petition stands allowed and disposed of in the above terms.

7] The parties to act on authenticated copies of this order.

[SANGITRAO S. PATIL, J.]

[S.S. SHINDE, J.]

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