

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) WP NO.5143 OF 2016

WRIT PETITION NO. 5143 OF 2016

1. Pragtik Shikshan Mandal,
Bamnod, Tal.Yawal, Dist. Jalgaon
Through President
Dr.Narendra Waman Kolhe
Age 53 years, Occu.Service,
R/o. At / Post Bamnod, Tal.Yawal,
Dist. Jalgaon.

AND ANOTHER.

...PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary,
School Education Department
Mantralaya, Mumbai 32.

AND ANOTHER.

...RESPONDENTS

...
Advocate for Petitioners : Mr. Brahme Shailesh P.
AGP for Respondents:Mr. S.G.Karlekar

...
CORAM : R. M. BORDE & P.R. BORA, JJ.
Dated: September 07, 2016

PER COURT :-

1. The petitioners are objecting to the orders issued by the Education Officer on 14.10.2015 and 22.1.2016, refusing to accord approval to the appointment of petitioner no.2 mainly on the ground that there was a ban imposed under the policy formulated by the -

AGP/-

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Government for recruitment of the teachers during the relevant time, as well as the institution failed to secure permission prior to making appointment.

2. According to the petitioners, in view of the Government policy declared under Resolution dated 6th May, 2013, the ban in respect of the appointment shall not apply in respect of the teachers appointed to teach English, Mathematics and Science subjects as well as the reserved vacancy. In the instant matter, petitioner no.2 has been appointed to teach Science subject and that he belongs to reserved category.

3. Considering the Government policy dated 6th May, 2013, the decision taken by the respondent, refusing to accord approval to the appointment of petitioner no.2 needs to be re-considered. So far as the aspect of securing prior permission of the Education Officer is concerned, learned Counsel appearing for the petitioners states that there was some prior litigation concerning the appointment and, as such, the issue of prior permission cannot be pressed into service, and it would be open for the petitioner to tender appropriate explanation to the Education Officer who would be re-considering the issue.

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4. For the reasons recorded above, the orders impugned in the present petition, refusing to accord approval to the appointment of petitioner no.2, issued by the Education Officer, Secondary, Zilla Parishad, Jalgaon, are quashed and set aside and the concerned Officer is directed to re-consider the issue of according approval to the appointment of petitioner no.2 after extending opportunity of hearing to both the petitioners, as expeditiously as possible, preferably within a period of six weeks from today and it is accordingly directed. Writ Petition stands disposed of.

(P.R. BORA, J.)

(R. M. BORDE, J.)

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