

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

32 WRIT PETITION NO. 9604 OF 2015
WITH CA/2627/2016 IN WP/9604/2015

SANJAY GOVINDRAO GHODKE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Gunale V. D.
AGP for Respondents State: Mr. S. K. Tambe
Advocate for Respondents 3 and 4: Mr. Amaya N. Subnis

**CORAM : S. V. GANGAPURWALA &
K. L. WADANE, JJ.**

DATE : 19th September, 2016

ORDER:

1. The proposal seeking approval to the appointment of the petitioner as Shikshan Sevak is rejected on the ground that there is dispute amongst the Management and that there is no authorized Managing Committee so also the School Committee is not in existence and the appointment order is issued by an unauthorized person. So also on the ground that the selection process has not been properly followed and that the proposal is not in accordance with the Government Resolution dated 6th February, 2012 and that prior permission is not taken.

2. According to the learned counsel for the petitioner, the management had given an application to the Education Officer seeking permission to advertise

the post and that the appointment order is signed by an unauthorized officer.

3. The learned AGP States that the person who had signed the appointment order was not the Secretary at the relevant time.

4. We have considered the submissions.

5. Though the affidavit gives some reason, the order impugned is bereft of any such details, except that prior permission is not taken, the same is violative of Government Resolution of 6th February, 2012 and dispute amongst the Management Committee and also the appointment order being signed by unauthorized person. The education officer ought to have given details as to how the person who has signed the appointment order was not an authorized person; whether he had authority to issue appointment order. No doubt, the Education Officer has to consider whether the selection process has been properly followed and the authorized person has conducted the selection process so also the bar of Government Resolution dated 6th February, 2012.

6. The petitioner claims to have been appointed as Shikshan Sevek on 30.03.2013 on probation. The

Education officer is also required to consider, whether any application was given seeking permission to fill in the posts and after considering all these aspects, has to decide the question of granting approval or not.

7. Considering the above, the impugned order is quashed and set aside.

8. The Education officer shall consider the proposal seeking approval to the appointment of the Petitioner as Shikshan Sevak and considering all the relevant aspects, pass the order afresh.

9. The parties claiming themselves to be members a Management Committee are entitled to represent themselves before the Education officer in this regard. The said exercise be done by the Education Officer, expeditiously, preferably within six months from today.

10. The writ petition is accordingly disposed of. No costs.

11. In view of disposal of the writ petition, civil application also stands disposed of.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC