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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 11865 OF 2016**

Baisane Janardhan Atmaram & Anr. ...Petitioners

Vs.

The State of Maharashtra & Anr. ...Respondents

Mr. N.V. Bandiwadekar i/b. Mr. S.A. Mane, Advocate for the  
Petitioners

Ms. Nisha Mehra, AGP for the State

**CORAM : SHANTANU S. KEMKAR &**

**M.S. KARNIK, JJ.**

**DATED : 17<sup>TH</sup> OCTOBER, 2016**

PC. :

Matter is not on board. In view of the urgency taken up  
in the production board.

2. Parties through their counsel. By filing this petition, the  
petitioners have challenged the order dated 25<sup>th</sup> August,  
2016, passed by the Education Officer (Secondary) Zilla  
Parishad-Thane, rejecting the proposal for approval of the  
appointment of petitioner No.1 as Shikshan Sevak (Peon). As  
regards the reasons assigned in the rejection order, learned

counsel for the petitioners submits that the authority has not given any opportunity to the petitioners to cure the deficiencies. He also submits that as regard deficiency mentioned in the last line of the impugned order, the same is not applicable as the institution, in which, the petitioner No.1 is working is a minority institution. In support of his contention, learned counsel for the petitioner has placed reliance on the order dated 31<sup>st</sup> March, 2016, passed by this Court in the case of **Vinod Laxman Shelkar and anr. versus the State of Maharashtra and anr. in writ petition No.2207 of 2016**. Learned counsel for the petitioners submits that as regards petitioner No.2 being a minority institution, a certificate (annexed at "Exhibit A") has been filed. In the circumstances, the rejection of the proposal for approval on the deficiency No.7 cannot be sustained.

3. Having considered the submissions made by learned counsel for the respective parties, we are inclined to dispose of this petition by setting-aside the impugned order with further directions to respondent No.2 to give an opportunity

to the petitioners to make good the deficiencies mentioned in the impugned order except the deficiency mentioned in the last line of the impugned order. In regard to the deficiencies Nos. 1 to 7 the petitioners would be at liberty either to make good the deficiencies or to make submissions before the concerned authority that those deficiencies are not in fact the deficiencies. The 2<sup>nd</sup> respondent shall consider the contentions as may be raised by the petitioners and pass a reasoned order as expeditiously as possible and within eight weeks from the date of receipt of the copy of this order. The petitioners to make good the deficiencies within two weeks from today. With the aforesaid directions, the petition is disposed of.

(M.S. KARNIK, J.)

(SHANTANU S. KEMKAR, J.)