

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7747 OF 2016

Amulyasena Paul Satralkar

Petitioner

Versus

Education Officer (Secondary)
& others

Respondents

Mr. S.V. Natu, advocate for the petitioner.

Mr. A.S. Shinde, AGP for Respondent no. 1.

Mr. D.A. Madke, advocate for respondents 2 and 3.

CORAM : R.M.BORDE &

P. R. BORA, JJ.

DATE : 24th MARCH, 2017

PER COURT:

1. The facts giving rise to the instant petition are exactly identical to the facts of the decided matter i.e. Writ Petition No. 8248/2015 Pushpa Dinkar Late Vs. Education Officer & others decided by this Court on 10th August, 2015. The Education Officer has turned down the proposal for according approval to the appointment of petitioner merely on the ground that the selection process has not been pursued in terms of the regulation and, more particularly, advertisement was not issued. Learned counsel for the petitioner points out that the respondent-institution is a minority institution and has freedom in respect of selecting the employees.

2. Considering the contentions raised before us, we are of the view that the reasons recorded for turning down the proposal does

not appear to be sound. The contention raised by the management before this Court does not appear to have been considered by the Education Officer. In this view of the matter, we pass the following order :

ORDER

- I. The impugned order is quashed and set aside.
 - II. Respondent no. 1 – Education Officer is directed to re-consider the proposal tendered by the institution seeking approval to the appointment of petitioner on its own merit and, the proposal shall not be rejected merely on the ground as recorded in the impugned order.
3. Writ petition accordingly stands disposed of. No costs.

(P. R. BORA)
JUDGE

(R.M.BORDE)
JUDGE