

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

BENCH AT AURANGABAD.

WRIT PETITION NO.9576 OF 2016

Prabhakar Sambhu Chaudhari
and another ... Petitioners.

Versus

The State of Maharashtra
and others. ... Respondents.

...
Mr.V.D.Sapkal, advocate holding for
Mr.P.S.Shendurnikar, advocate for the
petitioners.
Mr.C.S.Kulkarni, A.G.P. for the State.
Mr.M.S.Kulkarni, advocate for Respondent No.4.
Mr.P.R.Katneshwarkar, advocate for Respondent
Nos.5 to 7 and 11.
Mr.Amol Sawant, advocate for Respondent Nos.8 to
10 and 12.
Mr.S.P.Brahme, advocate for Respondent No.13.
...

**CORAM : S.V.GANGAPURWALA AND
S.M.GAVHANE, JJ.**

Date : 05.12.2017.

PER COURT :

1. The petitioners assail the order passed
by the Education Officer granting approval to
the appointment of Respondent Nos.5 to 12.

2. We have heard learned counsel for the

petitioners and learned counsel for Respondents.

3. The prelude to the impugned order is the directions issued by this Court to the Deputy Director of Education to enquire into the matter. The Deputy Director of Education enquired into the matter and directed Education Officer to take decision upon the approval to the appointments of Respondent Nos.5 to 12. Approvals are granted to the appointments of Respondent Nos.5 to 12 by the Education Officer.

4. Affidavits are filed by the Deputy Director of Education and the Education Officer, thereby commenting upon the legality of the impugned order passed by the Education Officer. The affidavits filed by them states that the order passed by the Education Officer is not legal and proper.

5. The various facets of the matter are required to be considered. There are some candidates appointed as against the post meant for S.T. category and some are appointed from

OBC. The impugned order states that they are adjusted as against the posts meant for open/general category.

6. Considering the affidavits filed by the Deputy Director of Education and the Education Officer, it will be appropriate for the Deputy Director of Education to consider the aspect of approval being granted to the appointments of Respondent Nos.5 to 12. Learned counsel for the petitioner as well as learned counsel for Respondent Nos.4 to 13 agree that the matter be referred to the Deputy Director of Education for reconsideration of the approval granted to the appointments of Respondent Nos.5 to 12.

7. In light of the above, the Respondent No.2 Deputy Director of Education shall reconsider the aspect of grant of approval to the appointments of Respondent Nos.5 to 12 on its own merits and shall consider all facets of the matter as may be put forth before it by the petitioners and the Respondents. The parties may appear before the Deputy Director of Education on

20.12.2017. The parties are at liberty to place such documents before the Deputy Director of Education as they choose to. After hearing the parties and considering the record that may be placed before it, the Deputy Director of Education shall take decision regarding approval to the appointments of Respondent Nos.5 to 12 on its own merits in accordance with law expeditiously, preferably within three (3) months from the date of their appearance.

8. In case the proposal is submitted by the Management with regard to the salary, the appropriate authority may consider the same on its own merits.

9. The Writ Petition is disposed of. No costs.

10. In view of disposal of Writ Petition, all earlier orders passed in the Writ Petition shall come to an end.

(S.M.GAVHANE, J.)

(S.V.GANGAPURWALA, J.)

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