

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

WRIT PETITION NO.2309 OF 2017

Aparna Nishikant Deshmukh

..Petitioner

Versus

The State of Maharashtra and ors.

..Respondents

Mr S.S. Jadhavar, Advocate for petitioner
Mrs V.N. Patil Jadhav, A.G.P. for respondent no.1
MR R.D. Raut, Advocate for respondent no.3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 1st March 2018

PER COURT

1. The order rejecting the approval to the appointment of petitioner is assailed.
2. The proposal seeking approval to the appointment of the petitioner as a Shikshan Sevak is rejected on the ground that the prior permission is not taken. There are surplus teachers.
3. This Court, under order dated 19.7.2016 directed the Education Officer to decide the proposal seeking approval to the appointment of the petitioner and shall not reject it on the ground on which the earlier order was passed.
4. One of the contentions of respondent no.3 is that the petitioner is already terminated. As such, his proposal for approval to the appointment cannot be granted.

5. According to learned Counsel for the petitioner, the management has withdrawn the order of termination after the petitioner has filed appeal before the School Tribunal and School Tribunal has passed interim order.

6. Be that as it may. It is for the Education Officer to consider the said aspect.

7. The impugned order dated 24.11.2016 issued by respondent no.2 refusing approval to the appointment of petitioner as Shikshan Sevak in respondent no.3 school is hereby quashed and set aside.

8. The Education Officer shall decide the proposal seeking approval to the appointment of petitioner as Shikshan Sevak afresh on its own merits, expeditiously, preferably within four months. The proposal shall not be rejected on the ground that prior to the appointment of petitioner, permission was not obtained or there were surplus candidates or there was ban on recruitment.

9. The petitioner is at liberty to place before the Education Officer order of the management withdrawing his termination, as contended.

10. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)