

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

49 WRIT PETITION NO. 15141 OF 2017
WITH WP/15150/2017

VASANT SHIKSHAN PRASARAK MANDAL THROUGH ITS SECRETARYL R
JADHAV AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioners : Mr. Gadhe Ganesh A.
AGP for Respondents 1 and 2 : Mr. P.N.Kutti
Advocate for Respondent no.3 : Mr. Pulkundwar Santosh B.

**CORAM : S.V.GANGAPURWALA
AND
SUNIL K.KOTWAL, JJ.**

DATE : JUNE 7, 2018

O R D E R :

The proposal seeking approval to the appointment of the petitioner is rejected. The petitioner claims to have been appointed in the year 2009 and continuously is working since then. Initially the school was de-recognized in the year 2003 and subsequent recognition was granted in the year 2009. It was one of the condition that all deficiencies should be complied with and untrained staff should be substituted by trained staff. The petitioner is a

trained teacher. This aspect was not at all considered by the Education Officer. Learned counsel submits that proper procedure was followed by the management. That aspect has also not been considered. The appointment of the petitioner was prior to the Government Resolution of 2nd May, 2012 imposing ban on recruitment.

2. Mr. Pulkundwar, learned counsel submits that the Education Officer has considered the relevant aspect of the matter.

3. It appears that the petitioner is appointed in a school which was de-recognized and subsequently the school was granted recognition in the year 2011. The petitioner is appointed in the year 2009, much prior to the Government Resolution banning fresh recruitment. The petitioner has relied upon the report dated 5.10.2009 of the Education Extension Officer, Panchayat Samiti, Kandhar to the effect that

the institution now cleared the deficiencies and has appointed their staff. The said report was considered and thereafter recognition was granted to the institution.

4. Considering that all aspects are required to be considered by the Education Officer, we set aside the impugned order and direct the Education Officer to reconsider the proposal seeking approval to the appointment of the petitioner by considering all relevant aspects of the matter.

5. Considering the peculiar case, the petitioner is entitled to represent himself before the Education Officer and bring all the facts to the notice of the Education Officer. The petitioner may appear before the Education Officer on 27.6.2018 and place on record all relevant documents. The Education Officer shall consider the case put forth by the petitioner and consider the proposal afresh on

merits, in accordance with law, expeditiously, preferably within four months from the date of appearance of the petitioner.

6. Writ Petition is disposed of. No costs.

[**SUNIL K.KOTWAL, J.**] [**S.V.GANGAPURWALA, J.**]

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