

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11224 OF 2017

The Governing Body of the Educational Institutions
of the Bombay Annual Conference of the Methodist
Church in Southern Asia, Nagpur,
Through its Secretary and another

.. **Petitioners**

Versus

The State of Maharashtra and another

.. **Respondents**

Shri Santosh S. Jadhavar, Advocate for Petitioners.

Shri S. G. Karlekar, A.G.P. for Respondent No. 1.

Shri Shivaji T. Shelke, Advocate for Respondent No. 2.

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

DATE : 20th March, 2018

PER COURT :

1. The proposal seeking approval to the appointment of the petitioner No. 2 is rejected on the ground that as per letter dated 16.1.2017 issued by the Commissioner (Education), unless the surplus teachers are absorbed, the proposal for individual approval should be cancelled.

2. According to the petitioners, the petitioner No. 2 was appointed on 31.5.2006. The proposal was not being submitted as such the petitioner filed writ petition before this court bearing

No. 2225 of 2014 and thereafter the headmaster forwarded the proposal. The delay was on the ground that there were rival groups in the management.

3. We have also heard Mr. Shelke, learned advocate for respondent No. 2.

4. The Education Officer (Primary) is entitled to consider all the relevant aspects of the matter, such as, adherence to the procedure, roster, availability of the post. However, it could not have been rejected on the basis of a letter dated 16.1.2017, as the petitioner claims to be appointed much prior to the said date.

5. In the light of above, the impugned letter dated 21st March, 2017, is quashed and set aside. The Education Officer (Primary) shall reconsider the proposal seeking approval to the appointment of the petitioner, considering all the relevant aspect of the matter as noted above and shall decide it expeditiously and preferably within four (4) months.

6. The writ petition accordingly stands disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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