

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10065 OF 2016

Dadasaheb s/o Govindrao Shinde,
Age-27 years, Occu:Service,
R/o-C/o-Omkar Apartment, Bhagyanagar,
Near Shivaji High School,
Old Ausa Road, Latur.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32,
- 2) The Deputy Director of Education,
Latur Division, Latur,
- 3) The Education Officer (Primary),
Zilla Parishad, Latur,
- 4) Late Rangrao Deshmukh Shikshan
Prasarak Mandal, Shivni (Bk.),
Tq-Ausa, Dist-Latur,
Through its Secretary,
- 5) The Head Mistress,
Captan J.B. Primary School,
Sonangar, Tq. & Dist-Latur.

...RESPONDENTS

...
Mr.R.D. Biradar Advocate for Petitioner.
Mr.S.S. Dande, A.G.P. for Respondent Nos.
1 and 2.
Mr.U.B. Bondar Advocate for Respondent No.3.
Mr. P.P. More Advocate for Respondent No.5.
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**CORAM: S.S. SHINDE AND
S.M. GAVHANE, JJ.**

DATE OF RESERVING ORDER : 11TH JANUARY, 2018

DATE OF PRONOUNCING ORDER : 24TH JANUARY, 2018

ORDER [PER S.S. SHINDE, J.] :

1. Heard learned counsel appearing for the Petitioner, learned counsel appearing for the State and learned counsel appearing for Respondent Nos.3 and 5.

2. Upon careful perusal of the impugned order dated 30th July, 2016, it appears that Respondent No.3 - the Education Officer (Primary), Zilla Parishad, Latur has refused to grant approval to the appointment of the Petitioner on the post of assistant teacher for two reasons.

Firstly, before advertising the post/posts, for appointment no prior permission of the Education Officer (Primary), Zilla Parishad, Latur was obtained and secondly the Managing Committee of the school has not adhered to the relevant rules and procedure and therefore the approval for the appointment of the Petitioner on the post of assistant teacher cannot be granted.

3. We have carefully perused the letter written by the Head Master of the Captain J.B. Primary School, Sonanagar, Latur on 20th August, 2016, bearing Outward No.017 of 2016. It appears that the said letter along with the copies of the relevant documents, was submitted to the Education Officer (Primary), Zilla Parishad, Latur, after passing the impugned order dated 30th July, 2016.

4. In that view of the matter, in our considered view, this Writ Petition can be conveniently disposed of by giving directions to

Respondent No.3 - the Education Officer (Primary), Zilla Parishad, Latur to take into consideration the afore mentioned communication dated 20th August, 2016 and the copies of the documents accompanied with the said letter, and if necessary, after affording an opportunity of hearing to the Head Master of Captain J.B. Primary School, Sonanagar, Latur, take decision as expeditiously as possible, however within SIX WEEKS from today. Accordingly, it is directed. Needless to observe that the impugned communication dated 30th July, 2016 is quashed and set aside.

5. With the above observations and directions the Writ Petition stands disposed of.

. Parties to act upon authenticated copy of this order.

[S.M. GAVHANE, J.]

[S.S. SHINDE, J.]