

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

WRIT PETITION NO.1471 OF 2019

**MILIND VIJAY SHEWALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.V.S. Panpatte, Advocate for the petitioner.
Ms.R.P. Gaur, AGP for respondent/State.

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.
DATED : 04.02.2019**

P.C. :-

1. Heard learned Counsel Mr.Panpatte for the petitioner. The petitioner is challenging the order passed by the Education Officer (Secondary), Zilla Parishad, Dhule dated 20.01.2017. The submission is that the petitioner was possessing requisite qualification so as to submit his application in response to an advertisement issued in local news-paper for appointment of Shikshan Sevak from open category to teach Science and Mathematics subjects. The petitioner was selected and

was appointed. Copy of the appointment order is also placed on record. The proposal was submitted by the institute on 08.08.2016 for grant of approval. Learned Counsel Mr.Panpatte submitted that a mechanical order is passed by the Education Officer raising grounds, namely, the institute failed to follow the procedure under the Maharashtra Employees of Private Schools Act and there was ban operating for appointment of the Assistant Teacher/Shikshan Sevak. Learned Counsel submitted that the issue of such rejection order was considered and by way of detailed judgment in a bunch of petitions i.e. Writ Petition No.8587 of 2016, the Division Bench allowed the petitions. It is also submitted by learned Counsel Mr. Panpatte that in para 9 of the order of the Division Bench, three categories are carved out and the petitioner falls in category "B", as the petitioner was appointed to teach Mathematics and Science subjects. Mr. Panpatte, learned Counsel also invited our attention to the order dated 23.02.2018 in Writ Petition No. 2024 of 2017 in support of his submission.

2. The Counsel for the petitioner has made out case.

3. The petition is allowed in terms of prayer clauses (B) and (C) and disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]