

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

52 WRIT PETITION NO.7606 OF 2019

GEETANJALI PANDURANG MULE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Wakade Ramesh I.
AGP for Respondents-State : Ms. G.L.Deshpande.
Advocate for Respondent No.4 : Mr. Bondar U.B.
Advocate for Respondent Nos.5 & 6 : Mr. Ramchandra S. Patil.

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**CORAM : S.V. GANGAPURWALA AND
AVINASH G. GHAROTE, JJ.**

DATE : 11.12.2019

PER COURT :-

1. We have heard the learned counsels for the parties. The Education Officer has rejected the proposal seeking approval to the appointment of the petitioner on the same ground that were set aside by the Court earlier.
2. In light of the above, we issued notice of contempt to the Education Officer. On the last date, the Education Officer appeared in person and tendered unconditional apology. We accepted the unconditional apology tendered by the Education Officer and warned the Education Officer to be diligent.
3. Mr. Bondar, the learned counsel submits that in the minutes of the meetings, the grounds on the basis of which the petitioner's

proposal seeking approval to the appointment is liable to the rejected as discussed.

4. The order should depict the reasons for the order. The reasons in the impugned order were same that were set aside by the Court in the earlier Writ Petition. Reasons cannot be substituted by affidavit. Reasons depict the application of mind of the authority passing the order.

5. As the order impugned is based on the reasons that were set aside by this Court, the impugned order cannot be sustained. The impugned order is quashed and set aside.

6. The Education Officer shall decide the proposal seeking approval to the appointment of the petitioner afresh, by recording reasons, after hearing the petitioner. The petitioner and the institution shall appear before the Education Officer on 19.12.2019. The Education Officer after hearing them and going through the record shall take decision upon the proposal seeking approval to the appointment of the petitioner, preferably within a period of three (3) months.

7. Writ Petition disposed off. No costs.

(AVINASH G. GHAROTE, J.)

(S.V. GANGAPURWALA, J.)

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vmk/-