

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

27 WRIT PETITION NO.8709 OF 2018

MOHAMMED REHAN RIYAZ AHMED
VERSUS
THE STATE OF MAHARASHTRA AND ORS.

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Mr. S.S.Jadhavar, Advocate for petitioner.
Mr. S.M.Ganachari, AGP for R – 1 & 2.
Mr. S.P.Brahme, Advocate for R – 3 & 4.

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**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**
DATE : 05/03/2019

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ORAL ORDER:

. We have heard learned counsel for the parties.

2. The petitioner is challenging the rejection of approval order dated 03/11/2010 issued by respondent No. 2. No plausible explanation is coming-forth for challenging the same after nine years. According to the management, the order of rejection of approval was communicated to the petitioner, whereas the petitioner is contending otherwise. It is further contended that the respondent – institution is a minority institution. The relevant document be placed before the education officer showing status of the institution and the same aspect shall be considered by the education officer.

3. Even the letter was forwarded on 20/12/2014 upon the fresh vacancy being created and said proposal is not yet decided. The affidavit filed by respondent Nos. 3 and 4 also substantiates the same. The Education Officer has filed affidavit saying that the proposal was

rightly refused on 03/11/2010. One post of peon become vacant on the retirement of Imtiyaz Hussain Abdul Gafar on 31/08/2017 and the said vacancy can not be considered.

4. The affidavit of Education Officer does not state anything regarding the post of peon vacant in the year 2014.

5. We are not inclined to consider the case of the petitioner from the date of his appointment as the same was rejected in 2010.

6. The education officer shall take decision on its own merits on the proposal submitted by management [page 22] to the effect that one post has become vacant as one Pinjari Shaikh Abid Shaikh Hussain is promoted to the post of clerk thereby rendering the post of peon vacant and the petitioner be considered on the said vacant post. The respondent – education officer shall take decision on the said proposal according to law on its own merits expeditiously and preferably within four months.

7. Writ petition accordingly disposed of. In view of disposal of writ petition, civil application stands disposed of. No costs.

[A.M.DHAHALE]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

KNP.