

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.3843 OF 2019

Smt. Rama Ramtej Tiwari & anr. ..Petitioners
Vs.
The State of Maharashtra & anr. ..Respondents

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Shri N.V. Bandiwadekar a/w. Shri Sagar Mane I/b. Ashwini N.
Bandiwadekar for petitioners.
Shri K.S. Thorat, AGP for respondent No.1.
Shri Mandar Limaye for respondent No.2.

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CORAM : M.S.KARNIK, J.

DATE : 5th APRIL, 2019

P.C. :

Rule. Rule is made returnable forthwith by consent of the parties.

2. By the impugned order dated 21/12/2018 the approval for the appointment of petitioner No.1 as Shikshan Seval was rejected. The petitioner No.1 was appointed as Shikshan Sevak in the year 2012. The impugned order is passed on as many as 12 grounds. The impugned order passed on these grounds is unsustainable in as much as no reliance could have been placed on the G.R. dated 23rd June, 2017 and 24th August,

2018 as appointment in respect of which approval is sought is of the year 2012. The Institution is minority Institution and therefore, the petitioner No.1 was not required to qualify the Teachers Eligibility Test. So far as ground Nos. 1 to 10 are concerned, the same are discrepancies noticed in the proposal. According to learned Counsel for the petitioners, they should have been given an opportunity to rectify the defects. No such opportunity seems to have been given.

3. In this view of the matter, the impugned order dated 21/12/2018 is set aside. The Education Officer, Thane Municipal Corporation – Respondent No.2 to give an opportunity to the petitioner to rectify the defects as mentioned in ground Nos. 1 to 10 of the order dated 21/12/2018.

4. Learned Counsel for the petitioners submit that they will appear before the Education Officer on 15/4/2019 and submit compliance about these defects.

5. The Education Officer to take steps in the matter by granting further opportunity to rectify the defects as mentioned

in ground Nos. 1 to 10. However, in so far as reason Nos. 1 and 12 are concerned of the order, the said reasons are unsustainable.

6. So far as Teachers Eligibility Test is concerned, the petitioner is appointed in the year 2012 whereas the requirement of Teachers Eligibility Test came in the year 2013. The petitioner's appointment cannot be disapproved on this ground. Apart from this, the petitioner is a minority Institute.

7. Needless to mention that after compliance is made by the petitioners, the Education Officer to pass fresh order on its own merits and in accordance with law within a period of four weeks from 15/4/2019.

8. The Petition is partly allowed in the above terms.

9. Rule is partly made absolute with no order as to costs.

10. Parties to act on the basis of authenticated copy of this order.

(M.S.KARNIK, J.)