

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

WRIT PETITION NO. 8002 OF 2020

Pawase Dattatraya Bhausahab and others

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. Shivaji T. Shelke, Advocate for the Petitioners.

Mr. A. R. Kale, AGP for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATED : 03rd DECEMBER, 2020.

PER COURT:-

. The proposal seeking approval to the appointment of the petitioner as Assistant Teacher on an unaided post is rejected.

2. Heard Mr. Shelke, learned counsel for the petitioner and learned A.G.P for respondent Nos. 1 and 2.

3. The grounds on which the proposal for approval is rejected are that there was ban on recruitment as per Government Resolution dated 02.05.2012. The process is still on going as per Government Resolution dated 23.06.2017, for appointments and that the selection process is not in tune with Government Resolution dated 06.02.2012.

4. As far as question of ban on recruitment is concerned, same is not applicable to unaided post. Government Resolution dated 23.06.2017 is also superseded by Government Resolution dated 07.02.2019 and it is submitted that as on the date the petitioner was appointed, the pavitra portal was not in operation. It is not clarified as to what steps were not taken as per Government Resolution dated 06.02.2012. The contention is that the advertisement was given and pursuant to advertisement, the selection of the petitioner has been made.

5. In light of above, the impugned order is quashed and set aside. The Education Officer shall re-consider the proposal seeking approval to the appointment of the petitioner on its own merits. The same shall not be rejected on the grounds enumerated in the impugned order. The same shall be decided expeditiously, preferably within four months.

6. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.