

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14472 OF 2019

Appasaheb s/o Shamrao Madan

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr S.R. Choukidar, Advocate holding for

Mr H.S. Bali, Advocate for Petitioner

Smt R.P. Gour, AGP for Respondent Nos. 1 and 2

Mr S.B. Solanke, Advocate for Respondent Nos. 3 and 4

Mr R.I. Wakade, Advocate for Respondent No. 5

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

DATE : 17th FEBRUARY, 2020

PER COURT :

1. At the request of learned Counsel for the petitioner, leave to add Deputy Director of Education, Aurangabad as a party.
2. The learned Assistant Government Pleader waives notice for Deputy Director of Education, Aurangabad.
3. The dispute is about the post of Head Master. The petitioner was appointed as Head Master and approval was granted to the appointment of the petitioner as Head Master on 23rd July, 2019. the approval is cancelled under order dated 14.11.2019 by the Education Officer (Secondary), Zilla Parishad, Jalna.

4. It is trite that the Education Officer (Secondary) does not have power of review.

5. The contention of the respondent No. 5 is that the 'no objection' is not in accordance with the Rules and is also under coercion. According to respondent No. 5, the promotion of the petitioner is cancelled.

6. If a party has a grievance with regard to the grant of approval, then it is the Deputy Director of Education, who can consider the said aspect.

7. We quash and set aside the impugned order cancelling the approval and direct the parties to approach the Deputy Director of Education, Aurangabad.

8. The parties herein shall appear before the Deputy Director of Education, Aurangabad on 2nd March, 2020. Parties may put forth their stand before the Deputy Director of Education by filing their say. They may also file documents on which they place reliance. The Deputy Director of Education after hearing all parties concerned, shall take decision about the approval granted in favour of the petitioner on its own merits, preferably within a period of three months from the date of appearance of the parties.

9. We have already given the date of appearance before the Deputy Director of Education, Aurangabad. It is not necessary for Deputy Director of Education to issue notices to the parties.
10. Till then status quo granted shall continue.
11. The salary bills of the staff shall not be withheld by the Education Officer (Secondary).
12. The salary bills shall be submitted by the persons, who had submitted the last salary bills. The same would be without prejudice to the rights and contentions of the either of parties.
13. The writ petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]

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