

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

WRIT PETITION NO.1266 OF 2020

**VISHWANATH KISAN GAIKWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Laxman H. Kawale
AGP for Respondents No. 1 & 2: Mr. S. B. Yawalkar
Advocate for Respondents No. 3 & 4 : Ms. Y. M. Kshirsagar Thorat
...

**CORAM : RAVINDRA V. GHUGE AND
S. G. MEHARE, JJ.**

DATE : 29th SEPTEMBER, 2021

PER COURT :

1. By this petition, the petitioner has put forth prayer clause 'B' and 'C' as under :-

"B) By issuing writ of certiorari of any other appropriate writ orders or directions, the order/letter dated 24.6.2016 issued by the respondent No.4, may kindly be quashed and set aside.

C) By issuing writ of mandamus of any other appropriate writ orders or directions, the respondent No.4 may kindly be directed to grant the pay scale of selection grade to the petitioner as per the proposal submitted by respondent No.3 since 1.1.1997."

2. We have considered the strenuous submissions of the learned advocates for the respective sides. On perusal of the impugned order dated 24-06-2016, it does not call for any debate that when respondent No.4 concluded that the proposal had certain deficiencies, he should have called upon the Block Education Officer

to remove the deficiencies and re-submit a proposal complete in all respects, rather than observing that there are deficiencies and reject the proposal.

3. In view of the above, this petition is partly allowed. The impugned order, to the extent of clause (2) is quashed and set aside. We direct respondent No.3 to ensure that the Block Education Officer, Panchayat Samiti, Nanded, completes the entire proposal by removing all deficiencies and re-tenders the same to respondent No.4, complete in all respects, on or before 30-10-2021. Thereafter, respondent No.4 shall consider the record and the procedure laid down in law, and decide the said proposal by passing a reasoned order, on or before 30-11-2021.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)