

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

921 WRIT PETITION NO.1115 OF 2020

**AKASH DILIP KALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Dighe Vithal H.
AGP for Respondent Nos.1 & 2 : Mr. P.S. Patil
Advocate for Respondent No.3 : Mr. S.S. Wagh
...

**CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, J.J.**

DATED : 01st SEPTEMBER, 2021

PER COURT :-

1. We have considered the submissions of the learned advocate for the petitioner and Shri Wagh on behalf of respondent no.3. The learned AGP has strenuously opposed this petition.

2. Considering the view taken by this Court in the judgment dated 11.08.2021 delivered in Writ Petition No.4219 of 2018 filed by Smt. Yogita w/o Shivsing Nikam Vs. The State of Maharashtra and Others and Writ Petition No.163 of 2020 filed by Sachin Shivajirao Suryawanshi Vs. The State of Maharashtra and Others, we are of the view that the Education Officer could not have refused the approval to the appointment of the petitioner which is made on compassionate basis, on the grounds that there was a ban on recruitment by Government Resolutions dated 12.05.2015 and 18.05.2015 and that the non-teaching staffing pattern was not formalized.

3. The learned advocate for the petitioner submits that the impugned order should be set aside and the Education Officer could be directed to reconsider the proposal of the petitioner for approval, in the light of the judgment dated 11.08.2021.

4. In view of the above, this petition is partly allowed. The impugned order dated 22.03.2018 is quashed and set aside.

5. The proposal of the petitioner dated 20.02.2018 forwarded by the management, is restored to the file of respondent no.2. We direct respondent no.2 to carefully peruse and understand the judgment dated 11.08.2021 and thereafter pass an appropriate reasoned order on the said proposal.

(S.G. MEHARE. J)

(RAVINDRA V. GHUGE, J)