

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

923 WRIT PETITION NO.1868 OF 2018

**GUTAM BHAGWAN SONAWANE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Petitioner : Mr. Patil Paresh B.
AGP for Respondent Nos.1 & 2 : Mr. S.B. Yawalkar
Advocate for Respondent No.3 : Mrs. A.N. Ansari
...

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

DATED : 15th SEPTEMBER, 2021

PER COURT :-

1. On 17.08.2021 after hearing in the matter was concluded, we had passed the following order:

1. We have heard the learned advocate for the petitioner, the learned AGP on behalf of respondent Nos.1 and 2 and Mrs. Ansari, learned advocate for respondent No.3, for quite some time. With their assistance, we have gone through the petition paper book.

2. The petitioner is aggrieved by the order dated 28.12.2017 passed by the Education Officer (Secondary) refusing to accord approval to the appointment of the petitioner, which is dated 18.08.2017. Surplus teachers were yet to be absorbed. By the Government Resolution dated 23.06.2017, the State Government prepared the "Pavitra Portal" (the portal which is visible to all interested candidates for recruitment of teachers) in the light of the judgment dated 24.06.2015 delivered by this Court at Nagpur in Public Interest Litigation No.8/2015 thereby, mandating the Teachers Aptitude and Intelligence Test (TAIT) as a pre-condition for enlisting them as against available vacancies on the Pavitra portal. This

being the mandate of law, direct recruitments in violation of the Government Resolution dated 23.06.2017 have not been approved by the Education Department, much less by this Court. There are instances, according to the petitioner, when the PIL judgment (supra) was not pointed out to this Court and approvals were granted.

3. We have recently delivered the judgment dated 28.07.2021 in the matter of ***Dipak Macchindra Sonawane vs. The State of Maharashtra and others*** in Writ Petition No.2920/2020 by taking into account the entire scheme of recruitment prescribed by the Government Resolution dated 23.06.2017. This being the law, we do not find that this petition could be entertained or the impugned order could be branded as being perverse or erroneous.

4. The learned advocate for the petitioner prays for a short adjournment to go through the Government Resolution dated 23.06.2017 and the judgment of this Court in ***Dipak Sonawane*** (supra).

5. List this petition on 15.09.2021 as “part-heard”.

2. Today, the learned advocate has made an effort to distinguish the view taken by us in ***Dipak Macchindra Sonawane vs. The State of Maharashtra and others*** in Writ Petition No.2920/2020. Considering the facts of this case, we find that it has been a futile exercise on his part.

3. He, therefore, submits that in future if any vacancy arises and the petitioner is covered by the Government Resolution dated 23.06.2017 and the petitioner applies through Pavitra Portal, the respondents would consider his candidature if there is no legal impediment.

4. The learned advocate for respondent no.3 submits that if such an application filed by the petitioner is found to be in order and if there is no legal impediment, the same would be considered in accordance with the rules and procedure applicable.

5. In view of the above, this petition is disposed off.

(S.G. MEHARE. J.)

(RAVINDRA V. GHUGE, J.)