

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1049 WRIT PETITION NO.7928 OF 2019

SHAIKH MUSHRAFODDIN SHAIKH SHRAFODDIN .. Petitioner
VERSUS
THE DY. DIRECTOR HIGHER EDUCATION
AURANGABAD AND ORS ..Respondents

...
Advocate for Petitioner : Mr. R.J. Godbole
AGP for Respondents / State : Mr. S.G. Karlekar
...

CORAM : S. V. GANGAPURWALA AND
S. G. DIGE, JJ.

DATE : 16-12-2021

PER COURT :

1. Mr. Godbole, learned Advocate for the petitioner submits that under the impugned order the reasons were given about pendency of the writ petition by three employees of the institution. Out of that, Mr. Irshad Khan has withdrawn the writ petition. Mr. Shahabuddin has taken VRS and only one writ petition of Mr. Shaikh Noor is pending.

2. This Court under order dated 24-11-2018 in Writ Petition bearing No.11848 of 2016 had observed that the Education Officer shall reconsider the proposal for approval as a Shikshan Sevak from 01-07-2010 to 30-06-2013 and as an Assistant Teacher from 01-07-2013. If the post is not admissible, then the Education Officer

would be within his rights to grant approval from the date the post is admissible. Considering the changed scenario, it would be appropriate for the Education Officer to consider the date when the post become admissible for the petitioner and would consider the case of the petitioner for approval. We have observed that the Education Officer would consider the only issue of admissibility of the post in the said order.

3. In view of the change in circumstances, Education Officer shall reconsider the proposal of the petitioner for approval in light of the directions given under order dated 24-11-2018 in Writ Petition bearing No.11848 of 2016 and also keeping in mind the changed circumstances. The same shall be decided expeditiously and preferably within three months. The petitioner may place on record additional documents before the Education Officer substantiating his claim. The impugned order would not be an impediment for the Education Officer to consider the petitioner's case for approval, afresh.

4. Writ Petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE