

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

WRIT PETITION NO. 12858 OF 2021

Afkar Educatioin Society, through
the Secretary and others .. Petitioners

Versus

The State of Maharashtra and another .. Respondents

Shri Mayur Subhedar, Advocate h/f Shri C. V. Dharurkar,
Advocate for Petitioners.

Shri S. K. Tambe, A.G.P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA AND
R. N. LADDHA, JJ.**

DATE : 24TH NOVEMBER, 2021.

FINAL ORDER :

. The proposal seeking approval to the appointment of the petitioner No. 3 is rejected on the ground of delay.

2. Heard the learned counsel for petitioners and the learned Assistant Government Pleader for respondents/State.

3. The petitioner No. 3 claims to have been appointed on 23.02.2020 by petitioner Nos. 1 and 2. The proposal, it appears for approval was submitted to the Deputy Director of Education on 11th July, 2021. On 26.07.2021 same is rejected on the ground that it is submitted after quite delay.

4. The reasons appear to have been given that since March 2020 because of lock down schools were also closed, as such proposal was not submitted. The Divisional Deputy Director has observed that office of the Divisional Deputy Director was functioning and as such on the ground of delay has rejected the proposal.

5. The respondent No. 2 ought to have considered that since 23rd March, 2020 because of Covid – 19 pandemic the schools were closed. The said aspect ought to have been considered, though the office of the respondent No. 2 may be functioning, the schools were closed and because of which naturally proposal could not have been submitted.

6. It was inappropriate on the part of the respondent No. 2 to reject the proposal on the ground that it was filed after quite delay. In fact, the respondent No. 2 ought to have decided the proposal on its own merits.

7. In the light of the above, the impugned order is quashed and set aside. The respondent No. 2 shall decide the proposal for grant of approval to appointment of the petitioner No. 3 on its own merits, in accordance with law and policy, expeditiously and preferably within a period of six (06) months from today. The respondent No. 2 shall not reject the same on the ground that it was submitted in June 2021.

8. The writ petition is disposed of. No costs.

[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Nov.21