

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

WRIT PETITION NO.12449 OF 2019

Yoegesh Namdeo Parbat,
Age-33 years, Occu:Service,
R/o-At Post-Nimbhale, Tq-Sangamner,
Dist-Ahmednagar.

...PETITIONER

VERSUS

The State of Maharashtra ,
Through its Secretary,
School Education & Sports Department,
Mantralaya, Mumbai-32 and others.

...RESPONDENTS

...
Mr.S.K. Shinde Advocate for Petitioner.
Ms. Geeta L. Deshpande, A.G.P. for Respondents No. 1 and 2.
...

**CORAM: SUNIL P. DESHMUKH AND
ABHAY AHUJA, JJ.**

DATE : 26th FEBRUARY, 2021

ORDER :

1. Heard learned counsel for the appearing parties.
2. The position emerges that approval to petitioner's appointment had been declined on the ground that there had been ban on recruitment of non-teaching staff, as per government resolutions dated 12th February 2015 and 18th May,

2015. It appears that staffing pattern has been approved as per government resolution dated 28th January, 2019.

3. Having regard to that, based on similar government resolution, wherein the facts are similar, division bench of this court under its order dated 23rd July, 2020, in writ petition (stamp) No. 11050 of 2020, pleased to set aside the impugned order directing the education officer to consider the proposal for approval to the appointment of petitioners and decide the same on its own merits, we consider it expedient to follow the suit in present petition.

4. As such, impugned order dated 29th July 2019 passed by the education officer (secondary), zilla parishad, Ahmednagar is set aside. The proposal, seeking approval to appointment of petitioner as a junior clerk, stands revived for reconsideration by respondent No. 2 - the education officer on its own merits, within a period of four months from the date of receipt of writ of this order.

5. Writ petition is accordingly disposed of.

[ABHAY AHUJA, J.]

asb/FEB21

[SUNIL P. DESHMUKH, J.]