

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12564 OF 2019

Kishor s/o. Kashinath Patil
Age 30 years, Occ. Service as
Shikshan Sevak,
R/o. At post Kautha,
Tq. Kandhar, Dist. Nanded.

.. Petitioner

Versus

- 1] The State of Maharashtra
through its Secretary,
School Education Department,
Mantralaya, Mumbai-32.
- 2] The Education Officer (Secondary)
Zilla Parishad, Nanded.
- 3] Janta Shikshan Sanstha,
Kautha, Tq.Kandhar, Dist. Nanded,
through its Secretary.
- 4] The Head Master,
Janta High School, Kautha,
Tq. Kandhar, Dist. Nanded.

.. Respondents

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Mr. V.S. Panpatte, Advocate for Petitioner
Mr. S.P. Sonpawale, AGP for respondents No.1 and 2
Mr. I.D. Maniyar, Advocate for respondents No. 3 and 4.

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

DATE : 11th JANUARY, 2021

ORAL JUDGMENT [PER SUNIL P. DESHMUKH,J] :-

1] Rule. Rule made returnable forthwith. Heard learned counsel for appearing parties finally by consent.

2] Aggrieved by communication dated 7th October, 2019 refusing thereunder approval to the appointment of petitioner, he is before this court under present writ petition questioning its propriety and validity.

3] It is the case of petitioner, pursuant to advertisement issued for appointment on a post fallen vacant on retirement of earlier incumbent, petitioner had applied and had been interviewed and selected. While the management had submitted proposal for approval to the petitioner's appointment on the post, same has been purportedly rejected on 07-10-2019 referring to that, no prior permission for the advertisement had been sought, sanctioned staffing pattern had not been annexed to the proposal and further that the petitioner had not passed the Teachers' Eligibility Test (hereinafter "TET").

3] While approval had not been granted for aforesaid reasons, factual position stated in additional affidavit is that prior permission for advertisement had been sought and it is case of petitioner that even staffing pattern had been duly submitted alongwith the proposal. It is referred to that, three chances are allowed to get through the TET. The petitioner had exhausted only one chance and subsequently in second attempt, has got through

the same and a certificate to that effect has been filed alongwith the additional affidavit.

4] In view of aforesaid, it appears to be expedient that the concerned authority viz. Education Officer would consider the petitioner's appointment in the light of the facts and circumstances and if required, even hearing petitioner and management, including the case of petitioner that he has passed TET within the prescribed chances. As such, the impugned communication dated 07-10-2019 is set aside, the proposal is revived for re-consideration by the Education Officer, as referred to above. We hope and trust that the matter would be decided objectively without being weighed down by earlier communication dated 7-10-2019. Hopefully decision would be taken in right earnest within reasonable period, preferably within a period of three months.

5] Rule made absolute in above terms. Writ petition stands disposed of.

(ABHAY AHUJA)
JUDGE

(SUNIL P. DESHMUKH)
JUDGE

grt