

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

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WRIT PETITION NO.6631/2021

Rahul Kustas D'souza Petitioner

Vs.

State of Maharashtra & Ors. Respondents

WRIT PETITION NO.609/2021

Khalil Madarsha Makandar Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr. Prashant S. Bhavake for the Petitioner
Mr. S. B. Kalel, AGP for Respondent Nos.1 to 5 in Writ
Petition No.609/2021

Mr. V. M. Mali, AGP for Respondent Nos. 1 to 5 in Writ
Petition No.6631/2021

Mr. Utkarsh S. Desai for Respondent Nos.6 and 7 in both
Writ Petitions

**CORAM: R.D.DHANUKA &
ABHAY AHUJA, JJ.**

DATED : OCTOBER 8, 2021

P.C.

1 Rule.

Rule is made returnable forthwith by consent of the
parties.

2 Mr.Bhavke, the learned counsel for the Petitioners in each of these petitions tenders a copy of the order passed by the Education Officer (Secondary) granting approval to the appointment to the posts in question. He states that in view of the order passed by the Education Officer (Secondary) already granting approval during pendency of these petitions, nothing survives in these petitions. He submits that since the proposal is already granted, the names of each of the Petitioner shall be recorded by Respondent No.2 in the Shalarth ID.

3 Mr.Mali, AGP for the State along with AGPs appearing for the Respondent State in respective matters, strongly opposed the direction sought by Mr.Bhavke for entering the name of each of the Petitioner in Shalarth ID on the ground that the same Education Officer (Secondary) has rejected the proposal of each of the Petitions for appointment on the post in question and thus, the Education Officer (Secondary) has no power to recall his order and grant approval.

4 At this stage, we are not going into the merits of the order now passed by the Education Officer (Secondary) granting approval to each of the Petitioners on the respective posts. The fact remains that the Education Officer (Secondary) has now granted approval to the appointment of the Petitioners on the posts and thus nothing survives in these Writ Petitions.

5 We direct the Education Officer (Secondary) to record the names of the Petitioners in Shalarth ID within six weeks from the date of communication of this order.

6 It is made clear that the Respondents are at liberty to take such steps as are permissible in law against the said order passed by the Education Officer (Secondary) granting approval by the subsequent orders brought on record by the learned counsel for the Petitioners.

7 Rule is made absolute in the aforesaid terms.

8 The Writ Petitions stand disposed of.

9 No order as to costs.

10 Parties to act on an authenticated copy of this order.

(ABHAY AHUJA, J.)

(R.D.DHANUKA, J.)