

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 953 OF 2021

PETITIONERS :

- 1] Laxmikant S/o Bhaskarrao Gondkar, Aged about 44 years, Occu. Service, R/o Narayani, Vishnuwadi, Tq. & Dist. Buldana.
- 2] Vinod S/o Rangnath Dongardive, Aged about 40 years, Occu. Service, R/o Post Milind Nagar, Tq. & Dist. Buldana.
- 3] Vijay S/o Laxman Chavan, Aged about 44 years, Occ. Service, R/o. Rajeshwar Nagar, Ward No.5, Tq. & Dist. Buldana.
- 4] Vijay S/o Tekchand Surbhe, Aged about 41 years, Occ. Service, R/o Post Hatedi Bk., Tq. & Dist. Buldana.
- 5] Sayyad Jakir S/o Sayyad Bismilla, Aged about 38 years, Occu. Service, R/o. At Post Hatedi Bk., Tq. & Dist. Buldana.
- 6] Madhukar S/o Pundlik Shingne, Aged about 43 years, Occ. Service, R/o. Post Deulgaon Mahi, Tq. Deulgaon Raja, Dist. Buldana.

...VERSUS...

RESPONDENTS :

- 1) The State of Maharashtra, Department of School Education, Mantralaya, Mumbai-032 through its Secretary.

- 2) The Education Officer (Secondary), Zilla Parishad, Buldhana.
- 3) Shri Vilasrao Deshmukh Shikshan Prasarak Va Bahuuddeshiya Sanstha, Buldhana, Through its President, R/o "Vidyavishwa", Wankhede Layout Buldana, Tq. & Dist. Buldhana.
- 4) Rajiv Gandhi Military School, Ajantha Road, Kolwad, Dist. Buldana, Through its Head Master.

Mr.P B. Patil, counsel for the petitioners.
Mr.D. P. Thakre, Addl.G.P. for the respondent Nos.1 and 2.
Mr. B.M.Dafle, counsel for respondent Nos.3 and 4.

**CORAM : SUNIL B.SHUKRE &
ANIL L. PANSARE, JJ.**

DATE : 30.11.2021.

ORAL JUDGMENT (Per :Sunil B.Shukre, J.)

Heard.

2. Rule. Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

3. After hearing both sides, we are convinced that the case of the petitioners is not at all covered by the Government Circular dated 24.04.2020 and Government Resolution dated 04.05.2020 as appointment of each of the petitioners on technical post either as Computer Instructor or Education inspector has been made on the date which is 14.01.2020, which was much earlier than the issuance of the government circular dated 24.04.2020 and Government Resolution dated 04.05.2020 .

4. Government Circular dated 24.04.2020 clearly states that prohibition on new recruitments would come into force only from the date of the circular i.e. 24.04.2020 and here in this case the appointments having been made on 14.01.2020, almost three months before 24.04.2020, the appointments are not hit by this circular and therefore, Education Officer ought not to have given the reason of ban on recruitment as per the government circular dated 24.04.2020. Same is true about the Government Resolution dated 04.05.2020, when it says that during period of COVID-19 Pandemic no new recruitments should be made. Here is the case where recruitments were already made and that too by following

the due procedure way-back on 14.01.2020, much before the onset of Pandemic and its formal declaration by the State. So, the Education Officer ought not have given the reason of this Government Resolution as not permitting the grant of approval to the appointment of the petitioners.

5. In the circumstances, we partly allow the petition and remand the matter to the respondent No.2 for reconsideration and decision afresh in accordance with law keeping in view the observations made herein above. The decision shall be taken in terms of these directions, by respondent No.2 within two weeks from the date of the receipt of the order.

Rule is made absolute in the above terms. No costs.

JUDGE

JUDGE