

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

WRIT PETITION NO. 1628 OF 2018

Vishwajeet Balaji Jadhav
and another

.. Petitioners

Versus

The State of Maharashtra and others

.. Respondents

Mr. V. S. Panpatte, Advocate for the Petitioners.
Mr. S. P. Tiwari, AGP for Respondent Nos. 1 and 2.
Mr. V. D. Gunale, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA &
 S. G. DIGE, JJ.**

DATED : 01st FEBRUARY 2022.

PER COURT:-

. The proposal seeking approval to the appointments of the petitioners is rejected under the impugned orders.

2. The only reason for rejecting the proposal is that prior permission before advertising the post is not taken from the Education Department.

3. Mr. Panpatte, learned counsel for the petitioners submits that the application was made by the Headmaster for filling in the post. The application was given by the Headmaster for seeking permission to fill in the post on 03.06.2013 to the Education Officer. As no

communication was received, public notice was issued inviting applications. The petitioner no. 1 is appointed to teach English subject for the classes 8th to 10th standards and petitioner no. 2 is appointed from OBC category. The learned counsel submits that the respondent no.2 at the relevant time did not send any surplus candidate to the institution.

4. The learned A.G.P. submits that the petitioners had not obtained permission from the Education Department before filling in the post and issuing the advertisement.

5. We have also heard the learned counsel for respondent Nos. 3 and 4.

6. The petitioners have placed on record the copy of the application given to the Education Officer by the Headmaster on 03.06.2013 seeking permission to fill in the post. The said copy of the application has been obtained by the petitioners under Right to Information Act from the office of the Education Department.

7. It was for the Education Officer thereafter to communicate the petitioners about rejection of permission and/or grant of permission. The Education Officer sat over the application. Thereafter, the advertisement was issued and the posts were filled in.

8. The only ground for rejection of the proposal is that prior permission is not obtained. In fact, it is the Education Officer who did not communicate. The posts could not have been kept vacant for long time.

9. In the light of the above, the impugned orders are quashed and set aside. The Education Officer shall reconsider the proposal seeking approval to the appointments of the petitioners considering all other aspects of the matter and take decision upon it expeditiously and preferably within a period of six (06) months from today.

10. Writ petition is disposed of. No costs.

(S. G. DIGE)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.