

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

WRIT PETITION NO.3323 OF 2021

Sudhir s/o Yuvraj Telap,
Age : 31 years, occu.: Service as asst. teacher,
R/o.: at post : Pimpalgaon Ghat,
Tq. and Dist. Beed.

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Education Department,
Mantralaya, Mumbai-32
 2. The Commissioner of Education
Maharashtra State Pune,
Central Building Pune.
 3. The Deputy Director of
Education Aurangabad Division,
Aurangabad,
Bhadkal Gate, Aurangabad
 4. Navgan Shikshan Sanstha, Rajuri(N),
Tq. and Dist.: Beed
Through its secretary,
office at SKH Medical College
Building Shivaji Nagar, Beed.
 5. The Principal,
Arts and Science College Chousala,
Tq. and Dist. Beed
- RESPONDENTS

.....
Advocate for Petitioner : Mr. N. T. Tribhuwan h/f Mr. S. S. Dambe
AGP for Respondent Nos.1 to 3: Mrs. M. A. Deshpande
.....

WITH
WRIT PETITION NO. 10472 OF 2021

Seema d/o Vishwanath Pawar,

Age : 35 years, Occu.: Service as asst.teacher,

R/o.: Durganagari, Beed.

Tq. and Dist. Beed

..... PETITIONER

Versus

1. The State of Maharashtra,
Through Principal Secretary,
Education Department,
Mantralaya, Mumbai-32
 2. The Commissioner of Education
Maharashtra State Pune,
Central Building Pune.
 3. The Deputy Director of
Education Aurangabad Division,
Aurangabad,
Bhadkal Gate, Aurangabad
 4. Navgan Shikshan Sanstha, Rajuri(N),
Tq. and Dist.: Beed
Through its secretary,
office at SKH Medical College
Building Shivaji Nagar, Beed.
 5. The Principal,
Arts and Science College Chousala,
Tq. and Dist. Beed
- RESPONDENTS

...

Advocate for Petitioner : Mr. N. T. Tribhuwan h/f Mr. S. S. Dambe
AGP for Respondent Nos.1 to 3: Mrs. M. A. Deshpande

....

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.
DATED : 28 JUNE 2022.**

P. C. :

The petitions are taken for final disposal with consent of parties.

2. These writ petitions involve a similar issue about refusal of approval to the appointment of the petitioners in these two petitions.

As such, they can be conveniently disposed of by this common order.

3. We have heard the learned counsel for the parties.

4. The only ground on which the Education Officer by the impugned order dated 30 October 2020 has refused to grant approval is that the appointment was not in accordance with the provisions of the government resolution dated 18 June 2018 by which a Pavitra Portal was introduced for the purposes of issuance of the advertisement/recruitment of teaching and non-teaching staff in the aided and unaided schools within the State.

5. The learned AGP has today produced a letter dated 24 June 2022 from the Divisional Deputy Director of Education, Aurangabad stating that the aspect of issuance of no objection certificate for issuance of the advertisement, which was prior to 18 June 2018, was not taken into

consideration while refusing to grant approval. The letter also sets out that in similar circumstances the then Deputy Director of Education had granted approval. The Deputy Director, therefore, has stated that the proposal for grant of approval, shall be reconsidered on its own merits and in accordance with the law.

6. In that view of the matter, the following order is passed by consent of parties.

ORDER

- (i) The writ petitions are allowed.
- (ii) The impugned orders are hereby set aside.
- (iii) Respondent No.3 shall reconsider the proposal for grant of approval to the appointment of the petitioners afresh on its own merits and in accordance with law. However, the proposal shall not be rejected on the point of non compliance with the Government Resolution dated 18 June 2018. The decision shall be taken as expeditiously as possible and within a period of 8 weeks from today.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.