

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

929 WRIT PETITION NO.8939 OF 2019

Venkat Pandurang Gaikwad .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

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Advocate for Petitioner : Mr. Girish L. Awale

AGP for Respondent / State : Mrs. M.A. Deshpande

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 12-08-2022

PER COURT :

. Heard both the sides finally.

2. Respondent no.3 - Education Officer by the impugned communication dated 11.07.2019 has refused to grant approval to the appointment of the petitioner as the Head Master of the school by way of promotion, only on the ground that rival group of the management is opposing it.

3. Pertinently, the proposal was not forwarded in the

normal course. The parties were before this Court in Writ Petition No.12072 of 2018. After hearing both the sides, by the order dated 09.04.2019 the management was directed to forward the proposal and the Education Officer was called upon to decide it on its own merits. Right in the teeth of such a backdrop, it was expected of the Education Officer to have decided the proposal on its own merits uninfluenced by the fact that the rival group of the management was opposing it.

4. It is also important to note that apparently, there was no other person, who was appointed and whose approval was under consideration, set up by the rival group.

5. In view of such peculiar state-of-affairs, in our considered view, the Education Officer could not have refused to consider the proposal on the sole ground that the rival group of the management was opposing it.

6. The writ petition is partly allowed.

7. The impugned order is quashed and set aside.

8. Respondent - Education Officer shall now reconsider the

proposal of the petitioner and shall not reject it on the ground that the rival group is opposing it. The decision shall be taken within eight weeks from today.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)