

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

**CIVIL APPLICATION NO. 10623 OF 2021 IN
WRIT PETITION NO.8575 OF 2021**

The State of Maharashtra & others

Applicants

Versus

Pandharinath s/o Shivajirao Jogdand & others Respondents

Mr. P. S. Patil, AGPe for the Applicants.

Mr. H. V. Patil, for Respondent No.1.

**CORAM : C. V. BHADANG AND
SANDIPKUMAR C. MORE, JJ.**

DATE : 04 July 2022.

PC :

This application is filed on behalf of the State (original Respondents) in Writ Petition No.8575 of 2021 for modification of the order dated 09.08.2021. Writ Petition No. 8575 of 2021 was filed by Respondent No.1 challenging rejection of the proposal for grant of approval to his appointment only on the ground that as per the Government Resolution dated 23.06.2017, the appointment of the petitioner has not been made through the Pavitra Portal. Respondent No.1 (original petitioner) is appointed

on 05.09.2017.

2 This Court, while disposing of Writ Petition No. 8575 of 2021 by order dated 09.08.2017, had found that as per the instructions received from the learned AGP, the Pavitra Portal became operative on 20.06.2018 and the same is activated in January 2019. Thus, in view of the fact that the appointment of Respondent No.1 (original petitioner) was prior to January 2019, this Court has allowed the petition and quashed and set aside the order of refusal of the approval.

3 The only modification sought in the said order, as per prayer clause “B” in this application, is as under:

B) The order passed by this Hon’ble Court dated 09th August, 2021 may kindly be modified only to the extent of the last part of the order wherein impugned order is quashed and set aside it may be added that the Respondent No.2 shall reconsider the proposal seeking approval to the appointment of the petitioner and shall not reject on the ground on which impugned order passed as held in para. No. 7 of the order passed in Writ Petition No. 12701 of 2018 dated 02nd July, 2019.

4 Learned Counsel for Respondent No.1 has no objection for modifying the order as, in the submission of the learned Counsel, Respondent No.2 will have to consider the proposal for grant of approval on its own merits. However, the same could not be rejected on the ground of alleged non compliance of the Government Resolution dated 23.06.2017.

5 In such circumstances, present application is allowed in terms of prayer clause “B”.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

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