

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11239 OF 2021

01 Dattatraya S/o Bajirao Asawale,
age: 27 years, Occ: Service,
R/o Virgaon, Tq. Akole,
District Ahmednagar.

02 Smt. Savita Changdev Varpe,
age: 37 years, Occ: Service,
R/o Kumbefal, Tq. Akole,
District Ahmednagar.

Petitioners

Versus

01 The State of Maharashtra,
through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32.

02 The Education Officer (Secondary),
Zilla Parishad, Ahmednagar.

03 Shri Agasti Education Society,
Mumbai, C/o Agasti Vidyalaya,
Akole, Tq. Akole, District
Ahmednagar, through its Secretary.

Respondents

Mr. S. T. Shelke, advocate for the Petitioners.

Mrs. M. A. Deshpande, AGP for the Respondent Nos. 1 and 2.

Mr. S. S. Wagh, advocate for Respondent No. 3.

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

DATE : 21 June, 2022.

ORAL JUGDMENT (Per : C. V. Bhadang, J.) :

Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 The petition can be disposed of on short count. The petitioner is aggrieved by the order dated 13 August, 2021 passed by Respondent-Education Officer thereby refusing to grant approval to the appointment of the petitioner on account of shortcomings in the proposal sent by the Management, which are noticed in the impugned communication dated 13 August, 2021.

3 The only contention raised on behalf of the petitioner is that no opportunity was given to the Management to rectify the shortcomings and to comply with the objections. In such circumstances, we find that the Education Officer can give an opportunity to Respondent No.3 to rectify the defects and thereafter the Respondent-Education Officer can pass appropriate order in accordance with law.

4 In that view of the matter, the petition is allowed. The impugned order is hereby set aside. The 2nd Respondent to give

an opportunity to the 3rd Respondent to comply with the objections and to rectify the shortcomings and thereafter pass an appropriate order.

5 Rule is made absolute in the aforesaid terms with no order as to costs.

SANDIPKUMAR C. MORE, J.

C. V. BHADANG, J.

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