

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1990 OF 2017

Shaikh Gaus Ahmed s/o Khursheed Ahmed

Age : 30 years, occ : assistant teacher

R/o House No. 1-02-66, Aurangapura,

Mahajan Galli, Taluka Udgir, Dist. Latur.

Petitioner

Versus

1. State of Maharashtra
School Education Department,
Mantralaya, Mumbai.

2. Secretary,
Al Farooq Taleemi Society,
Udgir, District Latur.

3. Head Master,
Gulshan-E-Atfal Urdu Primary
School, Udir, District Latur.

4. Education Officer (Primary),
Zilla Parishad, Latur.

Respondents

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Mr. L.H. Kawale, Advocate for the petitioner.

Smt. M.A. Deshpande, A.G.P. for respondent No. 1.

Mr. P.M. Nagargoje, Advocate for respondent Nos. 2 and 3.

Mr. V.C. Patil, Advocate for respondent No. 4.

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

DATE : 12 JULY 2022

ORAL JUDGMENT (PER C.V. BHADANG, J.) :

Rule made returnable forthwith. Learned Counsel for the respective respondents waive service. Heard finally by consent of the parties.

2. The challenge in this petition is to the order dated 23 September 2016 passed by the respondent – Education Officer (Primary), Zilla Parishad, Latur by which the respondent – Education Officer has refused to consider the proposal for approval to the appointment of the petitioner as an Assistant Teacher to the respondent – School.

3. On perusal of letter dated 23 September 2016 shows that the Education Officer has claimed that the appointment was made during the period when there was a ban on recruitment. He had, therefore, required the Management to furnish the copy of an advertisement alongwith list of the candidates who were interviewed and had also indicated about the availability of the surplus teachers in Latur District.

4. Learned Counsel for the respondent – Management states that the requirement as indicated in the letter dated 23 September 2016 and the deficiencies, if any, have been complied with for which he had brought to our notice the documents at page 56 onwards which are the annexures to the affidavit-in-reply filed

on behalf of respondent No. 2. The parties, therefore, submit that the Education Officer may now reconsider the proposal.

5. Upon hearing learned Counsel for the parties, we find that as the respondent – Management has already claims to have furnished the information to the Education Officer, it would be appropriate for the Education Officer to reconsider the proposal. In that view of the matter, the petition is partly allowed. The impugned order is hereby set aside. The respondent – Education Officer shall reconsider the proposal for grant of approval to the appointment of the petitioner on it's own merits and in accordance with law and in the light of the information and documents furnished by the Management, within a period of eight weeks from the receipt hereof.

Rule is made absolute in the aforesaid terms.

SANDIPKUMAR C. MORE, J.

C.V. BHADANG, J.