

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2495 OF 2020

Ku. Jayshree d/o Chandrakumar Lanjewar,
aged about 36 years, Occupation – Service,
R/o Wadegaon, Tah. Tirora, District – Gondia.

PETITIONER

.....VERSUS.....

1. State of Maharashtra,
through its Secretary,
School Education Department,
Mantralaya, Mumbai – 400032.
2. The Education Officer (Secondary),
Zilla Parishad, Gondia,
Near Collector Building, Gondia,
Tah. and District – Gondia.
3. Pratibha Shikshan Sanstha,
Borgaon, through its Secretary,
R/o at Borgaon, Post – Wadegaon,
Tah. Tirora, District – Gondia.
4. Bhivramji Vidyalaya and Junior College,
Wadegaon, through its Head Master,
R/o at and post Wadegaon, Tah. Tirora, District – Gondia.

RESPONDENTS

Shri I.N. Choudhari, Advocate for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for respondent Nos. 1 and 2/
State.
Shri R.M. Wasnik, Advocate for respondent Nos. 3 and 4.

CORAM : A.S. CHANDURKAR AND ANIL L. PANSARE, JJ.

DATE : DECEMBER 7, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned
Counsel for the parties.

2. The challenge raised in this Writ Petition is to the order dated 31/8/2020 passed by the Education Officer (Secondary), Zilla Parishad, Gondia thereby refusing to approve the appointment of the petitioner on the post of Assistant Teacher.

3. After notice was issued in the Writ Petition, the Education Officer (Secondary) has filed his affidavit-in-reply. In paragraph 7, it has been stated that the petitioner was appointed on 13/8/2011 on a post that became vacant due to termination of services of another Assistant Teacher *viz.* G.J. Meshram. It is revealed that subsequently on 28/10/2015 the services of said G.J. Meshram were again terminated. The Education Officer in the affidavit dated 21/9/2022 has stated that approval to the appointment of the petitioner as Assistant Teacher would be granted till disposal of the appeal that has been filed by the said employee.

4. In view of aforesaid, the order dated 31/8/2020 is set aside. In terms of the statement made in paragraph Nos. 6 and 7 of the affidavit filed by the Education Officer (Secondary), it is directed that the services of the petitioner shall be approved subject to decision of the pending appeal as stated. Necessary steps be taken within a period of four weeks from the date of receiving copy of this order. The said approval be

granted after considering the earlier order of approval.

5. Rule is made absolute in the aforesaid terms. No costs.

(ANIL L. PANSARE, J.)

(A.S. CHANDURKAR, J.)

SUMIT