

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR
WRIT PETITION NO. 962/2021

(SHIKSHAK PRASARAK MANDAL, AKOLA & ANR **VERSUS** STATE OF MAHARASHTRA & ORS)

*Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders.*

Court's or Judge's order

Shri Ved R. Deshpande, counsel for the petitioners.

Ms N.P. Mehta, Assistant Government Pleader for the respondents.

CORAM : A. S. CHANDURKAR AND URMILA JOSHI-PHALKE, JJ.

DATE : JULY 25, 2022.

P C.

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

The petitioner no.2-Institution run by the petitioner no.1-Trust had sought permission to fill in two vacant Class-IV posts of Laboratory Attendant. Such permission was granted and on 21.09.2019, an advertisement was issued. After conducting the interviews the petitioner no.2 selected two candidates on 07.01.2020. On the same day the proposal seeking approval to their appointment was sought. Since there was no response to the said proposal, reminder dated 18.06.2020 was issued. By the impugned communication, the proposal has been refused by relying upon Clause 14 of the Government Resolution dated 04.05.2020.

According to the learned counsel for the petitioner on 12.04.2022 a fresh Government Resolution in the matter of giving instructions while making appointments has been issued.

We find that the Government Resolution dated 04.05.2020 was issued in the Financial Year 2020-21 in the light of outbreak of Covid-19. The proposal as sought by the petitioner no.2 has been refused only on account of Clause 14 of the Government Resolution dated 04.05.2020. Since that Government Resolution was to operate for Financial Year 2020-21, the Deputy Director of Technical Education, Amravati could be directed to re-consider the proposal dated 07.01.2020 in accordance with law in light of the Government Resolution which is now operating.

In that view of the matter, the order dated 18.06.2020 is set aside. The respondent no.3 is directed to re-consider the proposal dated 07.01.2020 that has been moved by the petitioner no.2. The petitioners through their representative shall appear before the respondent no.3 on 04.08.2022 to facilitate consideration of that proposal. A decision thereon be taken within a period of four weeks from 04.08.2022 and the decision taken be communicated to the parties.

Rule is made absolute in aforesaid terms. No costs.

(URMILA JOSHI-PHALKE, J.)

(A. S. CHANDURKAR, J.)

APTE