

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

WRIT PETITION NO.8231 OF 2018

- PETITIONERS** : 1. Hindi Shiksha Mandal,
Khamgaon, Disat – Buldhana, through
its Secretary
2. Kela Hindi Prathamik Vidyalaya,
Khamgaon, Dist – Buldhana, through
its Headmaster.
3. Smt. Savita Madhukar Ugle,
Aged 43 Years, Occu – Service.
4. Smt. Seema Ashish Bhatiya,
Aged 43 Years, Occ – Service.
5. Smt. Archana Ganesh Sonone,
Aged 31 Years, Occu – Service.

The Petitioner no.3 to 5 are R/O. C/O.
Kela Hindi Prathamik Vidyalaya,
Khamgaon, Dist – Buldhana.

..VERSUS..

- RESPONDENTS** : 1. State of Maharashtra,
through its Secretary, Department of
Education, Mantralaya, Mumbai, 32.
2. Education Officer (Pri.), Zilla
Parishad, Buldhana.

Shri P. N. Shende, Advocate for the Petitioners.
Ms N. P. Mehta, AGP for the Respondent No.1.
Ms S. S. Jachak (Gaikar), Advocate for the Respondent No.2.

CORAM : **SUNIL B. SHUKRE AND**
VALMIKI SA MENEZES, JJ.

DATE : **6th SEPTEMBER, 2022.**

ORAL JUDGMENT : (PER : SUNIL B. SHUKRE, J.)

1. Heard.

2. **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel for the parties.

3. The only reason for which the appointments of the petitioner nos.3 to 5 have not been approved by the Education Officer is, that the petitioner nos.3 to 5 had done their D.Ed. in Marathi medium. It is stated in the impugned orders that for being eligible to be appointed in Hindi medium school, the concerned teachers must have obtained his/her D.Ed. qualification in Hindi medium as per the guidelines laid down in the Government Resolution dated 13.07.2016. The State has also relied upon this GR, which is evident from its reply.

4. We have gone through the GR dated 13.07.2016 and we could not find anywhere in the said GR that there is indeed a requirement of completion of D.Ed. by the concerned teacher in the same medium, which is followed in the school in which his/her appointment is to be made.

5. Ms Jachak, learned counsel for the respondent no.2 could not point out to us from the said GR that there is any such requirement.

6. We thus find that the reason stated in the impugned orders is illegal and that the approval to the appointments of the petitioner nos.3 to 5 as Assistant Teachers could not have been rejected only on this ground. The impugned orders being illegal, deserve to be quashed and set aside.

7. The writ petition, is therefore, **allowed** in terms of prayer Clauses (A) and (B), which read as follows :

“(A) To Quash and Set Aside the Order dated 10-05-2018 and 15-05-2018, passed by the Respondent no.2, Education Officer, (Primary), Zilla Parishad, Buldhana, which is at Annexure No.V.

(B) To direct the Respondent no.2, Education Officer, (Primary), Zilla Parishad, Buldhana, to forthwith grant its Approval, to the appointment of the petitioner no.3 to 5, as Trained Primary Teachers, from the date of their initial appointment.”

8. Rule is made absolute in above terms. No costs.

(VALMIKI SA MENEZES, J.) (SUNIL B. SHUKRE, J.)

TAMBE