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

WRIT PETITION NO.577 OF 2020

1. Vidya Prasarak Shikshan Sanstha,
Gondia, through its President Smt.
Veerjaiwantidevi Nagpure, Aged
about 70 years, occupation Home
Maker, r/o Civil Lines, Gondia,
District Gondia.

2. Shri Ashish Girijashankar Nagpure,
Aged about 42 years, occupation service,
R/o Sales Tax Colony, Gondia, district Gondia. **Petitioners.**

:: V E R S U S ::

1. State of Maharashtra, through its
Chief Secretary, School Education and
Sports Department.

2. The Deputy Director of Education,
Nagpur Division, Nagpur.

3. The Education Officer (Secondary),
Zilla Parishad, Gondia. **Respondents.**

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Shri A.Z.Jibhkate, Counsel for the Petitioners.
Mrs.K.R.Deshpande, Assistant Government Pleader for the
Respondents.

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CORAM : **A.S.CHANDURKAR & URMILA JOSHI-PHALKE, JJ.**
DATE : **JUNE 23, 2022**

ORAL JUDGMENT (Per : A.S.Chandurkar, J.)

1. Heard the learned counsel Shri A.Z.Jibhkate for the
petitioners and the learned Assistant Government Pleader
Mrs.K.R.Deshpande for the respondents. **Rule.** Rule made
returnable forthwith. Heard finally by consent of the learned
counsel for the respective parties.

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2. The challenge in this writ petition is to the order dated 13.3.2019 passed by the Education Officer (Secondary), Zilla Parishad, Gondia thereby refusing to grant permission to the petitioners to undertake recruitment on the post of 'Junior Clerk.' Another order dated 19.9.2019 passed on the same lines by the Education Officer is also under challenge.

3. Perusal of the impugned order dated 13.3.2019 passed by the Education Officer (Secondary), Zilla Parishad, Gondia indicates that for want of sanction to the staff justification the Education Officer refused to grant the permission to undertake recruitment. It is pointed out that on 9.5.2019 the Education Officer has approved the staff justification for the Academic Year 2018-2019. It is, therefore, submitted that with the grant of staff justification, the application made by the petitioners for grant of permission to undertake recruitment deserves to be re-considered. We find that the reason for refusal to grant permission to undertake recruitment in the absence of staff justification does not survive as the same is shown to have been granted on 9.5.2019.

4. In that view of the matter, the order dated 13.3.2019 passed by the Education Officer (Secondary), Zilla Parishad, Gondia thereby refusing to grant permission to the petitioners to undertake recruitment on the post of 'Junior Clerk' as well as the order dated 19.9.2019 passed by the Education Officer are set aside. The

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Education Officer (Secondary), Zilla Parishad, Gondia is directed to re-consider the petitioners' proposal for undertaking the recruitment on the post of 'Junior Clerk' in the light of the staff justification granted on 9.5.2019. The decision in that regard be taken within a period of four weeks from the receipt of copy of this judgment.

The writ petition is allowed and disposed. Rule is made absolute in aforesaid terms with no order as to costs.

(URMILA JOSHI-PHALKE, J.)

(A.S.CHANDURKAR, J.)

!! BrWankhede !!

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