

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2837 OF 2022

KESHAV TUKARAM SHEJUL
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Shri V.S. Panpatte
AGP for Respondents 1 and 2/State : Shri V.M. Kagne
Advocate for Respondents 3 and 4 : Shri C.R. Thorat

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CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 20th April, 2023

Per Court :-

1. The Petitioner has put forth prayer clauses B, C and D as under:-

- “B) To hold and declare that, the appointment/ transfer of the Petitioner to aided post is legal and valid one.
- C) By issue of Writ of mandamus or Order or direction in the like nature, the impugned order dated 24/12/2021 (Exhibit "H") passed by the Respondent No. 2 Education Officer (Secondary) Zilla Parishad, Nashik, may kindly be quashed and set aside.
- D) By issue of Writ mandamus or Order or direction in the like nature, the Respondent No. 2 Education Officer (Secondary) Z.P. Nashik, may kindly be directed to grant approval to the post of Petitioner on aided basis and to pay

regular salary working with respondent no. 4 school.”

2. On perusing the impugned order dated 24.12.2021 at page 35 of the petition paper book, it is apparent that no reasons have been assigned. The order actually is in one sentence.

3. In Writ Petition No.658/2023 filed by ***Dattatray Shivajirao Solanke vs. The State of Maharashtra and others***, we have passed an order dated 23.01.2023, concluding that a single sentence order has been passed by the Education Officer (Secondary). Rule 41(5) of the MEPS Rules, 1981 does not appear to have been referred to, much less relied upon.

4. In view of the above, **this Writ Petition is partly allowed** as under:-

(a) The impugned order dated 24.12.2021 is quashed and set aside.

(b) The proceedings are remitted to the office of Respondent No.2/ Education Officer so as to consider the case of the Petitioner on its own merits and in the light of the judgment delivered by this Court on 30.11.2018 in ***Vishnu Kanu Surashe vs. The State of Maharashtra and others*** and 05.11.2019 delivered at Nagpur in ***Akola Education Society and others vs.***

The State of Maharashtra and others in Writ Petition
No.7030/2019.

(c) Needless to state, the due procedure laid down in law shall be followed while dealing with the said proposal and a reasoned order be passed, on or before 30.06.2023.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)