

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.**

WRIT PETITION NO. 4743 OF 2022

The President – Shri. Dinkar Tukaram Jawale,
Anand Education Society & Ors.

...Petitioners

Versus

The State of Maharashtra & Ors.

...Respondents

.....

Mr. M. M. Bhokarikar – Advocate for the petitioners

Mr. S. B. Pulkundwar – AGP for respondent/State

.....

**CORAM : MANGESH S. PATIL
AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 14.06.2023

PER COURT : -

. The petitioners, who are the management and the individual teacher, are challenging the order passed by the respondent no. 2 – Education Officer (Primary) dated 03 January 2022.

2. We have heard the learned advocate for the petitioners as also the learned AGP and perused the papers.

3. In fact, the petitioners are seeking approval to the appointment of petitioner no. 3. Since it was not happening, he had approached this Court in Writ Petition No. 13086 of 2021. By the order dated 30 November, 2021, this court had directed the respondent no. 2

SGP

to consider and take decision on the proposal regarding approval to the appointment of petitioner no. 3 within six months.

4. Bare perusal of the impugned communication / order passed by the respondent no. 2 clearly demonstrates utter lack of application of mind and even is bordering contempt. This communication / order is absolutely devoid of any reason as to why the approval to the petitioner no. 3's appointment was being turned down / refused. In second paragraph, it merely refers to publication of advertisement on 24 February 2019 and then refers to the date of appointment of the petitioner no. 3 as 01 March 2017. We are unable to make out head or tail of the decision rather it is not a decision to be taken by an authority enjoined with the duty of granting approval to the appointments of the teachers.

5. We allow the writ petition partly and quash and set aside the impugned communication / order and relegate the matter to the respondent no. 2 – Education Officer (Primary) for a fresh decision on its own merits, obviously by assigning reasons for the decision. The decision shall be taken as expeditiously as possibly and in any case within eight weeks.

[S. G. CHAPALGAONKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE