

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

88 WRIT PETITION NO.4324 OF 2023

MANDA BABURAO MANJRAMKAR
VERSUS
THE STATE OF MAHARASHTRA,
THROUGH PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. Dattatraya R. Jayabhar.

AGP for Respondent/State : Mr. S. P. Tiwari.

Advocate for Respondent No.3 : Mr. S. B. Pulkundwar.

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

DATE : 17th April, 2023.

Per Court:

1. The Petitioner claims to be working with the Respondent school as a Shikshan Sevak from 2008. A proposal is forwarded on 4th May, 2022 seeking approval to her appointment. Earlier, the proposal dated 6th October, 2017, was not granted. The earliest proposal dated 2nd January, 2010, is also not accepted.

2. The learned Advocate representing the Zilla Parishad submits that the Petitioner is the daughter of the Chairman. Her biological brother is the Headmaster of the school. When she was appointed in 2008, she did not have the requisite qualifications. In the absence of any post, her father appointed her and now claims approval.

3. We have perused the last order passed by the Education Officer dated 3rd February, 2023, which indicates that there were deficiencies in the proposal. No proof was tendered that another teacher, who was permanent in employment, superannuated in January 2022. In the absence of such details, the proposal lastly submitted on 13th July, 2013, was not accepted.

4. It does not call for any debate that unless relevant documents are placed before the Education Officer, the said authority would not entertain a proposal. Once the proposal is complete in all respects and it is established that a permanent vacant post is available, then the Education Officer can exercise his jurisdiction.

5. In view of the above, **this Petition is disposed off.** As the last proposal has been rejected by the impugned order dated 3rd February, 2023, on account of relevant documents having not been tendered, the trust is at liberty to tender a proposal complete in all respects, to the Education Officer.

6. We make it clear that we have not expressed any view as regards the merits of the claim of the Petitioner and the Education Officer would be at liberty to consider the Law / Policies / Government Resolutions / Government Circulars etc. as may be applicable and

scrupulously evaluate the records before drawing any conclusions on such proposal. Let such exercise be completed, within 90 days.

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[SANJAY A. DESHMUKH, J.]

[RAVINDRA V. GHUGE, J.]