

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11677 OF 2023

VIJAY GANESHRAO BEDRE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
Advocate for the Petitioners : Shri Syed Masood Chand
AGP for Respondents 1 to 3/State : Shri S.K. Tambe
...

CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.

DATE :- 21st September, 2023

Per Court :-

1. The Petitioners have put forth prayer clauses B and C as under:-

“B) *By writ of mandamus or any other appropriate writ, order or directions like in the nature, the letter impugned order dt. 13.9.2022 issued by respondent no. 3 Dy. Director of Education Aurangabad Region, Aurangabad may kindly be quashed and set aside.*

C) *By writ of mandamus or any other appropriate writ, order or directions like in the nature, the respondent no. 3 be directed to grant approval to the appointment of petitioner no. 1 as Assistant Teacher in Netaji Subhash Secondary and Higher Secondary School Manwat on the basis of proposal dt. 29.8.2018 and pay regular*

salary along with arrears of salary from the date of appointment.”

2. The learned AGP submits that the impugned communication dated 13.09.2022 is with regard to the deficiencies in the proposal of Petitioner No.1.

3. The learned Advocate for the Petitioners submits that though deficiencies are pointed out, the proposal has been disposed off.

4. In several matters, we have observed that when the statutory authorities point out deficiencies in the proposals that are tendered, the said proposal is not kept pending. The other side should be given an opportunity to remove the deficiencies, unless the deficiencies are fatal. In the present case also, deficiencies are pointed out, the Management is called upon to remove the deficiencies and yet, the proposal has been disposed off.

5. In view of the above, **this Writ Petition is partly allowed.** The impugned order dated 13.09.2022 is slightly modified by restoring the proposal. Petitioner No.2/ Management shall remove all deficiencies by 31.10.2023 and thereafter, the Education Department would consider the proposal, on it's own

merits, by following the due procedure laid down in law, within 90 days.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)