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

7 WRIT PETITION NO.12065 OF 2023

SMT. SUNITA SACHIN MUNTODE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

WITH
WRIT PETITION NO.12066 OF 2023

SMT. CHANDRAKALA WD/O KAILASH GAMBHIRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE
PRINCIPAL SECRETARY AND OTHERS

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Mr S. T. Shelke, Advocate for Petitioners;
Mr P. S. Patil, A.G.P. for Respondent Nos.1 & 2
Mr S. S. Wagh, Advocate for Respondent No.3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRADE, JJ.**

DATE : 23rd October, 2023

PER COURT:

1. Time and again, we have been directing the Education Officer and several other authorities that, when they notice deficiencies in any proposal, be it for approving an appointment or a transfer from unaided to the aided establishment, etc., the proposal should not be discarded with a rejection order. Instead, an order directing the Authority, which forwarded the proposal, to

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cure the deficiencies and remove the deficiencies, would be in the fitness of things. In these two matters, we once again find that the impugned orders have been passed, rejecting the proposals of compassionate appointments made, only on the ground that there was a deficiency. The respective Managements have appointed these two Petitioners on compassionate basis.

2. In view of the above, **both these Writ Petitions are partly allowed.** Both the impugned orders are quashed and set aside. The proposals of both these Petitioners are restored to the file of the concerned Education Officer who shall return these proposals to the respective Managements for removing the deficiencies and for re-tendering the proposals. After the Management forwards the corrected proposals to the Education Officer, he shall decide the same in accordance with law, and pass an appropriate reasoned order within 60 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

sjk