

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

WRIT PETITION NO.12297 OF 2023

**MEGHRAJ ASHOK TAPRE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Mali Dayanand S.
AGP for Respondents 1 to 3/State : Shri V.M. Kagne

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

DATE :- 19th October, 2023

Per Court :-

1. Leave to correct the date of the impugned order.
Correction be carried out forthwith.
2. The Education Officer has rejected the proposal seeking approval to the appointment of the Petitioner, for the reason that the proposal has been filed belatedly on 11.08.2023. Another reason is that the Management does not appear to have taken permission before carrying out the recruitment.
3. A cryptic order has been passed by the Education Officer. Even if there is any delay in the light of the Government Resolution dated 10.06.2022, it would not be an anathema to

entertain the proposal. If delay is caused by the Management, for which the employee cannot be held responsible, the refusal of such proposal on the ground of delay is bound to jeopardize the appointment of the employee. It is not within the domain of the employee to ensure that the proposal for approval is forwarded by the Management within a particular time frame.

4. In view of the above, **this Writ Petition is partly allowed**. The impugned order dated 07.09.2023 is quashed and set aside and the proposal of the Petitioner is restored to the file of the Education Officer.

5. Needless to state, the Education Officer shall follow the due procedure laid down in law and shall scrutinize and decide the proposal of the Petitioner by considering the entire record available. If the proposal is tendered belatedly, which is not on account of the fault of the Petitioner, the Education Officer may consider passing certain orders with regard to the conduct of the Management by assigning reasons.

6. Let the above exercise be completed within 90 days.

kps

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)