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

908 WRIT PETITION NO.183 OF 2022

**GOPALE SONAL SANJAY
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Mr S. T. Shelke, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondent Nos.1 & 2
Mr V. P. Patil, Advocate for respondent No.3

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

DATE : 24th February, 2023

PER COURT:

1. The petitioner is aggrieved by the impugned order dated 14/10/2021. The proposal forwarded by the Management seeking approval to the appointment of the petitioner as a 'Junior Clerk', has been rejected. The Education Officer has pointed out 11 deficiencies and, yet, the proposal is rejected. When the deficiencies were pointed out, the option to the Management to remove the deficiencies and complete the proposal in all respects, should have been granted.

2. We have concluded in several matters that, if the Education Officer finds that there are certain deficiencies in any proposal, he should grant the option to the Management to remove the

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deficiencies, as far as it is possible to do so and then consider the proposal on its merits. Even recently, with regard to the same Management, which is before this Court in this matter, in Writ Petition No.12946/2021, 12944/2021 and 12945/2021, this Court had passed an order on 14/07/2022. The same Education Officer had passed the orders in those matters.

3. In view of the above, this petition is partly allowed by quashing and setting aside the impugned order dated 14/10/2021 only to the extent of the rejection of the proposal. The proposal shall be rendered live. The Management shall clear the 11 deficiencies, which were pointed out, and a fresh proposal would be tendered to the Education Officer, on or before 31/03/2023. Thereafter, the Education Officer would consider the said proposal on its own merits and pass an appropriate order, on or before 30/04/2023.

4. We make it clear that we have not expressed any opinion as regards the merits of the proposal and if the education officer finds any illegality, he is at liberty to pass appropriate orders.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

sjk