

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

WRIT PETITION NO.14392 OF 2023

**QUAZI MOHD. SHABBIRURDDIN FAROOQUI QUAZI
MOHD. KABEERUDDIN
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

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Advocate for the Petitioner : Shri Dhage Vivek J.
AGP for Respondents 1 and 2/State : Shri S.K. Tambe
Advocate for Respondents 3 and 4 : Shri V.M. Maney

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

DATE :- 29th November, 2023

Per Court :-

1. We have considered the submissions of the learned Advocates for the respective sides. It is undisputed that the proposal for granting approval to the appointment of the Petitioner, has been turned down by the impugned order dated 31.03.2023 by the Education Officer (Secondary), Zilla Parishad, Parbhani (Ms.Asha B. Garud) only for the reason that there is an internal dispute in the Management. Similar order passed by the same Education Officer has been set aside by the order dated

01.11.2023 passed in Writ Petition No.13656/2023 (***Baig Nabeel Mirsab Mirza Mazhar Baig and others vs. The State of Maharashtra and others***).

2. Considering the above, we are of the view that the Education Officer should scrutinize and verify the case of the Petitioner on the basis of the documents and the records available. If he finds that there are any deficiencies, he should call upon the concerned stakeholder to clear the deficiencies. Rather than disposing off the proposal on the ground that the Management has factions and suffers internal squabbles, he should concentrate on the documents in order to test as to whether, the appointment is legally made and as to whether, such appointment is sustainable.

3. In view of the above, **this Writ Petition is partly allowed.**

4. The impugned order is set aside to the extent of the decision of the Education Officer that the approval cannot be granted due to internal squabbles. Since the proposal has been returned to the Headmaster to clear the deficiencies, the Headmaster would submit the proposal once again, complete in all respects after clearing all the deficiencies, to the Education

Officer. Thereafter, the Education Officer would scrutinize the documents, accompanying the proposal of the Petitioner, and after following the due procedure laid down in law, draw a conclusion, as to whether, the approval deserves to be granted or should be refused. Let such orders be passed on the merits of the proposal, within a period of 60 days from the date of receipt of the corrected proposal from the Management.

kps

(Y. G. KHOBRAGADE, J.)

(RAVINDRA V. GHUGE, J.)