

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6219 OF 2022

Sanjay Haribhau Ghorpade,]
Age – 40 years, Occ. : Service,]
R/o. Bahadurwadi, Tal. Walwa,]
Dist. Sangli.] **.. Petitioner**

Versus

1. The State of Maharashtra,]
Through it's Secretary,]
School Education Department,]
Mantralaya, Mumbai – 400 032.]
2. The Deputy Director of Education,]
Kolhapur Region, Kolhapur.]
3. The Education Officer (Secondary),]
Zilla Parishad, Sangli.]
4. The Secretary, Atpadi Education Society,]
Tal. Atpadi, Dist. Sangli.]
5. Head Master, Walvan High School, Walvan,]
Tal. Atpadi, Dist. Sangli.] **.. Respondents**

Mr. Y.B. Lengare, with Mr. Aditya K. Gaikwad, for the Petitioner.

Mr. Vikas Mali, AGP for Respondent Nos.1 to 3.

CORAM : A.S. CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ

DATE : 15TH DECEMBER, 2023.

ORAL JUDGMENT : { Per A.S. Chandurkar, J. }

1. RULE. Rule made returnable forthwith and heard finally by consent of learned counsel for the parties.

2. The petitioner is aggrieved by rejection of the proposal seeking approval

to his appointment on the post of “Peon”, that was made on 29th July 2017. The Education Officer (Secondary) has, by the order dated 14th January 2022, rejected the said proposal on the ground that by virtue of the Government Resolution dated 4th May 2020, there was a ban on recruitment.

3. Having heard learned counsel for the parties and having perused the documents on record, it is clear that the petitioner was appointed much prior to 4th May 2020 since his date of appointment is 29th July 2017. It was necessary for the Education Officer (Secondary) to have considered the position as obtaining on the date of his appointment. We, therefore, find that rejection of the proposal is on untenable grounds.

4. For the aforesaid reasons, the communication dated 14th January 2022 is quashed. The Education Officer (Secondary) shall re-consider the proposal dated 3rd January 2022 submitted for seeking approval to the appointment of the petitioner. Necessary decision on its own merits be taken within a period of six weeks of receiving copy of this order. The decision taken be communicated to the concerned parties.

5. Needless to state that if the petitioner is aggrieved by such decision, he is free to take legal recourse in accordance with law. In case the approval is granted, all consequential benefits shall be made available to the petitioner.

6. Rule is made absolute in the above terms.

[FIRDOSH P. POONIWALLA, J.]

[A.S. CHANDURKAR, J.]