

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION (WP) 1281/2022

1. Mahendra Ishwarsing Parihar,
Aged 37 Years, Occupation- Service,
R/O. Ward No. 2, Mardi, Tah- Tiwasa,
Dist- Amravati- 444904.
2. Ashwamegh Jivan Vikas Prerana Sanstha,
Rewasa, Tah- Dist- Amravati,
through its Secretary
3. Chaturji Uke Anudanit Adivasi Ashramshala,
Rewasa, Tah- Dist- Amravati,
through its Headmaster.
**(Amended as per Court's
order dtd. 04.08.2022)**

..... PETITIONER(S)

// VERSUS //

1. The Additional Commissioner of Tribal
Development Department, Amravati.
2. The Project Officer,
Integrated Tribal Development
Project, Dharni, Dist- Amravati.
- ~~3. Ashwamegh Jivan Vikas Prerana
Sanstha, Rewasa, Tah- Dist-
Amravati, through its Secretary.~~
- ~~4. Chaturji Uke Anudanit Adivasi
Ashramshala, Rewasa, Tah- Dist-
Amravati, through its Headmaster.
(Deleted as per Court's
order dtd. 04.08.2022)~~

.... RESPONDENT(S)

Mr. PN. Shende, Advocate for the petitioners
Mr. M. K. Pathan, AGP for respondent 1

**CORAM : ROHIT B. DEO AND
Y.G. KHOBRAGADE, J.J.**

DATED : 17/02/2023

ORAL JUDGMENT : (PER:- ROHIT B. DEO, J.)

Affidavit which is filed on behalf of respondent 1, is taken on record. Copy of the affidavit is supplied to the learned Counsel for the petitioners.

2. **Rule.** Rule made returnable forthwith. With consent, the petition is finally heard.

3. The grievance of the petitioners is that vide order dated 13/28.10.2020, respondent 1 - Additional Commissioner of Tribal Development Department has refused to approve the appointment of petitioner 1 as Assistant Teacher with petitioner 3 – School.

4. We are not required to delve deeper in the matter since, the learned Assistant Government Pleader, Mr. Pathan, fairly states that respondent 1 did not have the benefit of the communication dated 26.09.2010 issued by the Assistant Project Officer (Education) (Annexure I at page 15), whereby the Management was permitted to appoint two employees. According to the petitioner 1, it is pursuant to

the said communication dated 26.09.2010 that the recruitment process was initiated, and the petitioner 1 was appointed as Assistant Teacher.

5. Mr. Pathan, learned Assistant Government Pleader, fairly states on the basis of instructions received that if the matter is remitted, respondent 1 shall revisit the issue, consider the relevant material including communication dated 26.09.2010 (supra), and pass a reasoned order on its own merits, and in accordance with law.

6. In view of the fair stand of the respondents, we quash the order impugned and remit the matter to respondent 1 - Additional Commissioner of Tribal Development Department for taking a fresh decision on the proposal submitted seeking approval to the appointment of the petitioner 1, as Assistant Teacher, after hearing the petitioners, considering the relevant material, and in accordance with law, within the eight weeks from the date this order is uploaded on the website.

7. The petition is partly allowed in the aforesaid terms.

(Y.G. KHOBRADE, J.)

(ROHIT B. DEO J.)