

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

WRIT PETITION NO. 1217 of 2023

Jay s/o Rajendra Shroti

vs.

State of Maharashtra, through Principal Secretary, School Education and Sports
Department, Mumbai and others.

Office Notes, Office Memoranda of
Coram, appearances, Court's Orders
or directions and Registrar's order

Court's or Judge's Order

Shri S. B. Gandhe, Advocate for petitioner.
Ms N. P. Mehta, Assistant Government Pleader for respondent nos.1 to 3.
Shri C. R. Sharma, Advocate for respondent nos. 4 and 5.

CORAM :- A.S.CHANDURKAR AND M. W. CHANDWANI, JJ.

DATE :- 24th MARCH, 2023

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

The challenge raised in this writ petition is to the order dated 31.01.2023 passed by the Deputy Director of Education, Amravati Division, Amravati cancelling the approval granted to the petitioner's appointment as 'Shikshan Sevak' on 21.12.2019. The only reason assigned is that the petitioner did not secure 50% marks in the final examination leading to his Degree in terms of the Corrigendum dated 25.02.2019.

On hearing the learned counsel for the parties, it is not in dispute that the condition of possessing 50% marks at the graduate level as imposed by the Corrigendum dated 25.02.2019 has been set aside by the judgment in Writ Petition No. 4079 of 2019 (*Sachin Panjabrao Surwade and others vs. State of Maharashtra and another*) decided on 28.09.2019. In other words, this requirement of possessing 50% marks at the graduate level as imposed by the Corrigendum dated 25.02.2019 now does not exist. It is further not in dispute that the petitioner's appointment as 'Shikshan Sevak' was approved

by the Education Officer (Secondary) on 21.12.2019. On completion of period of three years, it was therefore necessary for the respondents to proceed further and grant such approval as 'Assistant Teacher'. We therefore find that the reason for refusing to grant approval is contrary to the law laid down by this Court.

For aforesaid reasons, the order dated 31.01.2023 passed by the respondent no.2-Deputy Director of Education, Amravati Division, Amravati is set aside. The respondent no.3-Education Officer (Secondary) shall re-consider the proposal that has been forwarded by the respondent nos.4 and 5 and thereafter grant approval to the petitioner's continuation as 'Assistant Teacher'. While doing so, the Corrigendum dated 25.02.2019 shall not be relied upon. Necessary steps in that regard be taken within a period of four weeks from today.

With these directions, the writ petition is allowed and disposed of. Rule accordingly. No costs.

(M. W. CHANDWANI, J.)

(A.S.CHANDURKAR, J.)

Andurkar.