

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

WRIT PETITION (WP) 1746/2020

1. Society of Sisters of St. Joseph's
Through its Secretary,
Nagpur, Dist. Nagpur
2. St. Joseph's Convent High School,
Through its Head Mistress, Kamptee,
Tah. Kamptee, Dist. Nagpur
3. Shri. Robin B. Morde
Aged about 42 years, Occ. Service
R/o. Kamptee, Tah. Kamptee,
Dist. Nagpur.

..... PETITIONER(S)

// VERSUS //

1. State of Maharashtra
through its Secretary,
Department of School Education
and Sports, Mantralaya, Mumbai-32.
2. The Education Officer (Secondary),
Zilla Parishad, Nagpur.

.... RESPONDENT(S)

Mr. Anand Parchure, Advocate for the petitioners
Mr. M. K. Pathan, AGP for the respondents

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

DATED : 10/02/2023

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

Rule. Rule made returnable forthwith. Heard finally by
consent.

SM Gate

2. The challenge is to the order dated 25.02.2020 passed by respondent 2 – Education Officer refusing to grant approval to the appointment of petitioner 3 as Junior Clerk.

3. Perusal of the order impugned reveals that the only ground on which the proposal is refused is that the Staffing Pattern of Non-teaching staff for the period from 2014-15 to 2017-18 was not finalized.

4. A fair statement is made by learned Assistant Government Pleader, Mr. M. K. Pathan, on the basis of instructions received from respondent 2 – Education Officer that the issue shall be revisited, if petitioner 3 appears before the Authority and petitioners 1 and 2 - Management file relevant material including Staff Sanctioning letter/order for the period from 2014-15 to 2017-18.

5. We accept the statement and partly allow the petition by quashing the order impugned directing the petitioners to appear before the Education Officer alongwith every relevant material on **27.02.2023**, and by further directing the Education Officer to reconsider the issue and pass fresh order within the next three weeks.

6. The petition is disposed of in the aforesaid terms.

SANDIP
MAHADEV
GATE

(Y.G. KHOBRAGADE, J.)

(ROHIT B. DEO J.)