



2455.23

1/3

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

WRIT PETITION NO.2455 OF 2023

(Ku. Trupti d/o Ashokrao Gulhane and others vs. The State of Maharashtra and another)

Office Notes, Office Memoranda of
Coram, appearances, Court's orders Court's or Judge's orders
or directions and Registrar's orders.

Shri S.U. Ghude, Advocate for petitioners.

Shri A.A. Madiwale, Assistant Government Pleader for
respondents.

CORAM : NITIN W. SAMBRE AND
ABHAY J. MANTRI, JJ.

DATED : NOVEMBER 30, 2023

The proposal for grant of approval to the appointment of the petitioner no.1 submitted by the petitioner nos.2 and 3 was rejected by the respondent no.2 Education Officer vide impugned order dated 9/9/2022. Such rejection is based on the policy of the State Government reflected in the Government Resolutions dated 4/5/2020 and 5/5/2020.

2) Shri Ghude, learned Counsel for the petitioners, submits that operation of such policy cannot be considered to the detriment of the petitioners in view of adjudication by this Court on 7/3/2022 in Writ Petition No.1050/2021 (Prerana Samajik Sanskrutik Bahu-Uddeshiya Shikshan Sanstha and others vs. State of Maharashtra and others). According to him, this Court in

the order dated 16/11/2021 passed in Writ Petition No.2538/2021 (Ubhajo Shikshan Sanstha and others vs. State of Maharashtra and others) has already dealt with the aforesaid issue in detail.

3) Shri Madiwale, learned Assistant Government Pleader for the respondents, submits that in the light of the aforesaid legal position, the Court may pass an appropriate order in the matter.

4) It is borne out of the record that it is not open for the Education Officer to refuse approval merely because there was an embargo to fill up the post.

5) In the aforesaid background, the issue is rightly said to be covered by the order of this Court passed on 7/3/2022 in Writ Petition No.1050/2021 so also the order dated 16/11/2021 passed in Writ Petition No.2538/2021, referred to above. That being so, the impugned order dated 9/9/2022 passed by the respondent no.2 Education Officer is quashed and set aside.

6) We direct the respondent no.2 Education Officer to take a fresh decision on the proposal submitted by the petitioner nos.2 and 3 for grant of approval to the appointment of the petitioner no.1 as expeditiously as possible and in any case within a period of twelve weeks

from the date of production of this order. Needless to clarify that the proposal be decided on its own merits.

7) With the aforesaid directions, the writ petition is disposed of.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)

khj