



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

WRIT PETITION NO. 874 OF 2023

1. Amol Amrutrao Wankhade, Aged about 32 years, occup. Service, R/o C/o. Sidhartha Vidyalaya, Paratwada, Tah. Achalpur, Distt. Amravati.
2. The President, Rahul Vyam Prasarak Mandal, Bhumiptra Colony, Amravati, Tq. and Distt. Amravati.
3. The Head Master, Siddhartha Vidyalaya, Paratwada, Tah. Achalpur, Distt. Amravati. **Petitioners**

-Versus-

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

Mr.S.U.Ghude, counsel for the petitioners.
Mr. A.A.Madiwale, AGP for the respondent Nos.1 and 2.

**CORAM : A.S.CHANDURKAR AND
VRUSHALI V. JOSHI, JJ.**

DATE : 18th AUGUST , 2023

ORAL JUDGMENT (Per : A. S. Chandurkar, J.)

Heard.

2. Rule. Rule made returnable forthwith. The petition is

heard finally with the consent of the learned counsel for the parties.

3. The petitioner No.1 came to be appointed as '*Shikshan Sevak*' at the petitioner No.3 School, run by the petitioner No.2 Society. Approval to his appointment came to be rejected on 17.08.2022 on the ground that there was a ban on recruitment in view of the Government Resolutions dated 04.05.2020 and 05.05.2020. Being aggrieved, the said order has been challenged.

4. After hearing the learned counsel for the petitioners as well as the learned Assistant Government Pleader for the respondents we find that with regard to the petitioner No.3, Institution, this Court has considered the similar controversy in Writ Petition No.4652 of 2022 (Reshma Ravindra Gawai Vs. The State of Maharashtra and ors.). Vide judgment dated 27.04.2023, the proposal has been directed to be reconsidered by observing that the proposal was not liable to be rejected on the ground of ban on recruitment. Similarly, this controversy has been considered in Writ Petition No.2785 of 2023 (Ku.Megha d/o Pralhadrao Sadafale and Ors. Vs. The State of Maharashtra and anr.) dated

27.04.2023

5. Hence, for the reasons recorded in the aforesaid two decisions, the following order is passed.

i) The order dated 17.08.2022 passed by the respondent No.2 is set aside. It is directed that the Education Officer (Secondary) shall reconsider the proposal dated 19.07.2022 and pass fresh orders after grant of opportunity to the petitioners. The proposal shall not be rejected on the ground that there was a ban on recruitment. The proposal shall be decided on its own merits and in accordance with law after giving the opportunity to the petitioners. The decision taken, be communicated to the petitioners.

6. Rule is made absolute.

(VRUSHALI V. JOSHI, J)

(A.S.CHANDURKAR, J)