

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

WRIT PETITION NO.8249/2019

1. Shetkari Shikshan Sanstha,
Nandori (Buj), Tah. Bhadrawati,
Dist. Chandrapur, through its
President.
2. Mahatma Jyotiba Fule Vidyalaya,
Nandori (Buj), Tah. Bhadrawati,
Dist. Chandrapur, through its
Headmaster.
3. Rahul Sharad Jivtode,
Jr. Clerk, Mahatma Jyotiba Fule Vidyalaya,
Nandori (Buj), Tah. Bhadrawati,
Dist. Chandrapur. ... Petitioners

- Versus -

1. State of Maharashtra,
through its Secretary,
Department of Education,
Mantralaya, Mumbai 32.
2. Education Officer (Sec.),
Zilla Parishad, Chandrapur. ... Respondents

Mr. P.N. Shende, Advocate for the Petitioners.
Ms. S.S. Jachak, Assistant Government Pleader for Respondent
Nos.1 and 2.

CORAM: A.S. CHANDURKAR & MRS. VRUSHALI V. JOSHI, JJ.
DATE : 18.1.2023

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

Heard. **Rule.** Rule made returnable forthwith.

Considering the short issue involved, heard finally by consent of learned counsel for the parties,

2. The petitioner No.3 came to be appointed on the post of Junior Clerk at petitioner No.2 school run by petitioner No.1 Society. The proposal for grant of approval to his appointment has been rejected by the Education Officer (Secondary) by assigning various reasons. The learned counsel for the petitioners submits that the reasons indicated in the impugned communication are incorrect since all necessary compliances had been made by the Management while submitting such proposal. He seeks to demonstrate that such deficiencies have been removed.

3. We find that it would be for the Education Officer (Secondary) to consider this aspect after granting an opportunity of hearing to the petitioners. In these facts, following order would serve the interest of justice.

(i) The Education Officer (Secondary) shall grant an opportunity of hearing to the petitioners prior to considering the proposal dated 22.7.2019 afresh.

(ii) The petitioners shall place before the Education Officer (Secondary) relevant documents to support their claim for grant of approval to the appointment of petitioner No.3.

(iii) To enable such exercise to be undertaken, the petitioners through their authorized representative, shall appear before the Education Officer (Secondary) on 30.1.2023.

(iv) Decision on said proposal be taken within a period of four weeks from that date and the decision be communicated to the petitioners.

(v) Only to enable fresh consideration of the petitioners' proposal afresh the order dated 12.3.2019 stands set aside.

(vi) The proposal be considered on its own merits and in accordance with law.

4. Writ petition is allowed in the aforesaid terms and disposed of. Rule accordingly.

(MRS. VRUSHALI V. JOSHI, J.)

(A.S. CHANDURKAR, J.)

Tambaskar.

Signed By: NILESH VILASRAO
TAMBASKAR

Private Secretary
Date: 23.01.2023 10:36