



Corrected order
Corrections have been carried out in view of speaking to
minutes order dated 30.08.2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8667 OF 2024

Syed Kalimullah Hussaini Syed
Ikramullah Hussaini .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Manish P. Tripathi, Advocate for the Petitioner.
Shri A. R. Kale, Addl.G.P. for the Respondent Nos. 1 and 2.

CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 22 AUGUST 2024.

FINAL ORDER :

. We have heard both the sides.

2. By the impugned order the Divisional Deputy Director of Education has refused to grant approval to the petitioner's appointment stated to have been made on 01 September 2021, only on the ground that it was post Government Resolution dated 23 June 2017, which contemplated recruitment process through Pavitra Portal.

3. It is pertinent to note that the impugned order in fact refuses to consider the petitioner's proposal on merits.

4. We have had an occasion in number of matters to demonstrate as to how, inspite of passing of the G. R. on 23.06.2017, actually work of Pavitra Portal was never streamlined. Even the Government had to issue a Government Resolution permitting the management to undertake recruitment for temporary period due to inability in operating Pavitra Portal. Suffice for the purpose to refer to **order dated 10.06.2024 in Writ Petition No. 13150 of 2022** in the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and others.**

5. In the light of the above, impugned communication/order refusing to consider petitioner's proposal on merits would be not sustainable in law.

6. Writ petition is allowed partly. The impugned communication/order dated 06.12.2023 passed by the respondent No. 2/Deputy Director of Education, Latur is quashed and set aside. The respondent No. 2/Deputy Director of Education shall consider the self same proposal on its own merits, but it shall not be rejected on the ground mentioned in the impugned communication/order. The decision shall be taken as expeditiously as possible and in any case within a period of six (06) weeks from today.

[**SHAILESH P. BRAHME, J.] [**MANGESH S. PATIL, J.]****

bsb/July 24