



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

945 WRIT PETITION NO. 2875 OF 2024

PRASHANT SURYAKANT DAHATONDE

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE PRINCIPAL
SECRETARY AND OTHERS

...

Advocate for the Petitioner : Mr. Shelke Shivaji T.

AGP for Respondent nos. 1 & 2 : Mr. R. S. Wani

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 13.06.2024

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P

2. The petitioner's proposal for grant of approval to his appointment on compassionate ground has been turned down by the impugned communication by respondent no. 2-Education Officer by quoting some deficiencies.

3. It appears that the Education Officer was unmindful of the fact that he was not an adjudicating authority who was called upon to decide some lis. If it was a matter of grant of approval to the appointment and he had certain reservations/queries, he could have solicited its compliance from the management or even the petitioner, instead, simply by raising some doubt he has turned down the proposal. This is unbecoming of the office being held by him.

4. The Writ Petition is partly allowed. The impugned communication is quashed and set aside. Respondent no. 2-Education Officer (Secondary),

Zilla Parishad, Ahmednagar shall raise the queries with the management or the petitioner and then take some objective decision on its own merits. Respondent no. 2-Education Officer shall take appropriate decision in accordance with law and on its own merits by extending an opportunity of being heard to the petitioner and by calling upon the management as well. The decision shall be taken as expeditiously as possible and in any case within eight weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-