

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3806 OF 2024

Syed Irfan Alia Arefmiyen

VERSUS

The State Of Maharashtra Through Its Secretary And Others

WITH

WRIT PETITION NO.3972 OF 2024

Sayyed Naseerali Siddique Ali

VERSUS

The State Of Maharashtra Through Its Secretary And Others

...

Advocate for the Petitioners : Mr. Syed G.R.

AGP for Respondent/State : Mr. S.P. Joshi

Advocate for Respondent No.4 : Mr. B.B. Bhise

Advocate for Respondent Nos.5 & 6 : Mr. R.R. Kazi

...

CORAM : S.G. MEHARE &

S.G. CHAPALGAONKAR, JJ.

DATED : DECEMBER 17, 2024

PER COURT :

1. Heard the respective counsels.
2. The proposals of the petitioners have been rejected on various grounds by the impugned order dated 02.06.2023 including the petitioners were over aged.
3. Learned counsel for the petitioners would submit that the appointment of the petitioners was in Covid-19 pandemic and the government by resolution has excluded this period for the age for appointment. However, the Deputy Director of Education has to do

this exercise. Before doing this exercise, the management sent the proposal for approval. The petitioners, now, have an apprehension that if they would apply to the Deputy Director for excluding the period of Covid-19 for relaxing their age limit for appointment, they may not consider.

4. We have examined the impugned orders. One of the reasons for rejection of the proposal is that the petitioners were age barred at the time of the appointment. Admittedly, the petitioners had not applied to the Deputy Director for age relaxation due to Covid-19 pandemic for their appointments. In view of the facts, we allow these writ petitions :

ORDER

- (i) Both writ petitions are partly allowed.
- (ii) The petitioners are at liberty to apply to the Deputy Director for age relaxation for the period of Covid-19 pandemic.
- (iii) The Deputy Director should consider their submissions without influencing the order of rejecting their approvals.
- (iv) If the petitioners submit any such certificate from the Deputy Director, the management should forward a fresh proposal to the Education Officer (Primary), Zilla Parishad, Osmanabad for fresh consideration.

(3)

(v) If the fresh proposal is submitted, the Education Officer (Primary), should endeavour to decide the same within two months thereafter.

(S.G. CHAPALGAONKAR, J.)

(S.G. MEHARE, J.)