



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3614 OF 2024

1. Satish s/o Bapusaheb Telore
 2. Bhaurao s/o Punja Kale
- ... PETITIONERS

VERSUS

1. The State of Maharashtra
through its Secretary,
School Education and Sport
Department, Mantralaya,
Mumbai – 32.
 2. The Education Officer (Secondary)
Zilla Parishad, Ahmednagar
 3. Shri Shivaji Shikshan Prasarak Mandal
Shivajinagar, Tq. Rahuri, Dist. Ahmednagar
Registered Trust through its
Secretary/Authorized Officer
- ... RESPONDENTS

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Advocate for the Petitioners : Mr. Dighe Vitthal Haribhau

AGP for Respondent/State : Mr. K.S. Patil

Advocate for Respondent No.3 : Mr. K.D. Bade Patil h/f. Mr. S.S. Wagh

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

DATE : **28.06.2024**

PER COURT:

Heard both the sides.

2. The petitioners who were working as junior clerks but were appointed as Assistant Teachers, are aggrieved by the decision taken by the Education Officer (Secondary) dated 07.03.2024 refusing to grant approval.

3. We have heard both the sides and perused the petition as well as affidavit-in-reply filed by the Education Officer as also the Headmaster. As is mentioned in the impugned communication as also the affidavit-in-reply of the Education Officer, he has refused to grant approval in view of clause No.8 of Government Resolution dated 10.06.2005 which incidentally has been declared to be invalid by the division bench of this Court in the matter of **Shri Suhas s/o Rangraoji More Vs. State of Maharashtra; WP No.7706/2022** dated 21.12.2023 (Nagpur bench). There is no reference in the affidavit-in-reply of the Education Officer to demonstrate that he is aware about this striking down of clause No.8.

4. In the light of the fact that apart from this basic objection two other reasons have been quoted by the Education Officer in the impugned communication for refusing to grant approval which are in the nature of shortcomings in the proposal, coupled with the fact that the Headmaster in his affidavit has agreed to make a fresh proposal overcoming these shortfalls, it would be appropriate that the impugned order is quashed and set aside and the respondent No.2 – Education Officer is called upon to decide the proposal afresh on its own merits ignoring clause No.8 of the GR dated 10.06.2005.

5. The writ petition is allowed partly. The impugned order/communication dated 07.03.2024 is quashed and set aside. The respondent - Headmaster shall forward the proposal afresh to the

respondent No.2 – Education Officer by complying with the shortcomings as indicated in the impugned communication as expeditiously as possible and in any case within two weeks and the Education Officer shall take a fresh decision within four weeks thereafter, however, keeping in mind the fact that clause No.8 of the GR dated 10.06.2005 has been struck down by this Court.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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