



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

919 WRIT PETITION NO.3809 OF 2024

SHAIKH RIZWAN YUSUF

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.T. Shelke, Advocate for petitioner

Mr. S.J. Salgare, AGP for respondent Nos.1 to 3

Mr. S.S. Wagh, Advocate for respondent No.4

...

AND

921 WRIT PETITION NO.3812 OF 2024

SHAIKH IMRAN YUSUF

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. S.T. Shelke, Advocate for petitioner

Mrs. R.P. Gaur, AGP for respondent Nos.1 to 3

Mr. S.S. Wagh, Advocate for respondent No.4

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 16th APRIL, 2024

ORDER :

1 Heard learned Advocate for the petitioner, learned AGP for respondent Nos.1 to 3 and learned Advocate Mr. S.S. Wagh for respondent No.4, in both the matters. They waive service. In both the matters respondent No.3 has rejected the approval of the petitioners as Assistant

Teacher in the prescribed pay scale.

2 It can be considered from the impugned order that the proposal appears to have been submitted on 22.12.2022 and a reminder was given on 20.09.2023. By communication dated 16.10.2023 certain deficiencies were found by respondent No.3 and thereafter the proposal was rejected. Thereafter, with the communication dated 06.11.2023 the deficiencies were tried to be removed by giving the necessary documents for the perusal of respondent No.3. Thereafter the impugned order came to be passed on 22.02.2024. It has been pointed out by the learned Advocate for the petitioner that though all the documents were produced; yet, respondent No.3 is saying that those deficiencies have not been removed. No opportunity of hearing was given and respondent No.3 has not taken note of the decision of this Court, Bench at Nagpur, in **Shri. Suhas Rangraoji More vs. State of Maharashtra and others** in Writ Petition No.7706 of 2022, decided on 21.12.2023.

3 Learned AGPs in both the matters make a statement that they have instructions to say that if the defects are cured, then the proposal can be considered.

4 We are of the opinion that when the defects were communicated

by letter dated 16.10.2023 by respondent No.3 and then the further communication has been made by the petitioners on 06.11.2023 specifically contending that they are producing all the documents which were said to be deficient in view of the letter dated 16.10.2023, then each document ought to have been considered by respondent No.3, so also the ratio in **Suhas More** (supra) ought to have been considered by him.

5 We, therefore, set aside the impugned order dated 22.02.2024 and relegate the matter to respondent No.3 to decide it, by giving an opportunity to the petitioners and by considering the documents which were with the proposal as well as produced by way of communication dated 06.11.2023 and in view of the decision in **Suhas More** (supra).

6 Such decision be taken within a period of one month from today and the decision so taken be communicated to the petitioners and Management within a period of 15 days after the decision is taken.

7 Accordingly, both the writ petitions stand disposed of.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)