



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 5362 OF 2022

**MAHESH S/O VITTHAL JAGDALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. A. N. Kakade, Advocate for the petitioner
Mrs. P. J. Bharad, AGP for the respondent/State

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

DATE : 23.08.2024

PER COURT :

This motion is made for speaking to the minutes of the order dated 14/08/2024.

2. The learned Advocate for the petitioner points out that the petitioner was aggrieved by the rejection of the proposal by the Education Officer (Primary) only on the ground that the appointment was not in accordance with the government resolution dated 24.08.2018. He would submit that this Court in paragraph no.5 while allowing the writ petition partly and directed the Education Officer (Primary) to take a decision afresh taking into account the compliance of the shortcomings made by

the Management, when in fact, the impugned communication itself mentions about a correspondence from the Management indicating compliance with the shortcomings communicated to the office of the Education Officer (Primary) vide communication dated 20th October, 2021.

3. Indeed, the impugned communication itself mentions about attempt made by the Management for complying with the shortcomings at earlier point of time.

4. In second sentence from paragraph no.5 the date 01.01.2021 (Exhibit R-2) be deleted and replaced by date 20.10.2021.

5. It is also being pointed out that, since the impugned order was refusing to consider the proposal only on the ground that the appointment was not made by following the Pavitra Portal as indicated in government resolution dated 24.08.2018, in the light of consistent view being taken by this Court a direction be issued not to resort to the same reason while reconsidering the proposal.

6. Following sentence shall be added at the last of the order in paragraph no.5.

“However, he shall not reject the proposal on the ground mentioned in the impugned communication.

7. A fresh order be uploaded.

(SHAILESH P BRAHME, J.)

(MANGESH S. PATIL, J.)

SSP