



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

42 WRIT PETITION NO. 8792 OF 2021

RAJDIP NITIN KAKADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for the Petitioner : Mr. Wakade Ramesh I.

AGP for Respondent nos. 1 to 3 : Mrs. S.S. Joshi

Advocate for Respondent nos. 4 & 5 : Mr. D.A. Karnik

...

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

DATE : 19.08.2024

PER COURT :

The petitioner is challenging the order of the respondent no. 3-Deputy Director of Education, Nashik Division, Nashik, refusing to grant approval to his appointment on the ground that the appointment was not made in accordance with the government resolution, dated 23.06.2017.

2. We have heard both the sides finally.

3. This Court has been consistently taking a view that the implementation of *Pavitra Portal* in the light of the government resolution dated 23.06.2017, has not been in accordance with what was contemplated. We also had an occasion to notice that realizing the difficulties, even the State Government had to issue a government resolution permitting the managements to undertake the recruitment on contractual basis or *ad hoc* basis.

4. Be that as it may, the impugned order merely refuses to grant approval by referring to the government resolution dated 23.06.2017, when

it should have been considered on its own merits.

5. The writ petition is partly allowed. The impugned order is quashed and set aside. The matter is remitted back to the respondent no. 3-Deputy Director of Education for passing an appropriate order on the proposal on its own merits, as expeditiously as possible and in any case within six weeks. However, it shall not be rejected on the ground mentioned in the impugned order.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-