



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

WRIT PETITION NO. 4138 OF 2024

**UZMA FIRDOSE SIDDIQUI ABDUL WAHEED SIDDIQUI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
OTHERS**

...
Mr. D. A. Karnik h/f Mr. Vivek J. Dhage, Advocate for the
Petitioner.

Mr. N. S. Tekale, AGP for Respondents-State.

Mr. A. C. Pathan, Advocate for Respondent Nos.3 and 4.

...

**CORAM : SMT. VIBHA KANKANWADI AND
S. G. CHAPALGAONKAR, JJ.**

DATED : 22nd APRIL, 2024.

P.C.

1. We have considered the submissions of the learned Advocates for the respective sides. It is undisputed that the proposal for granting approval to the appointment of the Petitioner, has been turned down by the impugned order dated 22.09.2022 by respondent no.2 only for the reason that there is an internal dispute in the Management.

2. Considering the above, we are of the view that respondent no.2 should scrutinize and verify the case of the Petitioner on the basis of the documents and the records available. If he finds that there are any deficiencies, he should call upon the concerned stakeholder to clear the deficiencies. Rather than disposing off the proposal on the ground that the Management has factions and suffers internal squabbles, he should concentrate on

the documents in order to test as to whether, the appointment is legally made and as to whether, such appointment is sustainable.

3. After the impugned order, the deficiencies are stated to be answered by communication dated 04.05.2023.

4. In view of the above, this Writ Petition is partly allowed. The impugned order is set aside to the extent of the decision of respondent no.2 that the approval cannot be granted due to internal squabbles. The petitioner shall place communication dated 04.05.2023 before respondent no.2, if required. Thereafter, respondent no.2 should scrutinize the documents, accompanying the proposal of the Petitioner, and after following the due procedure laid down in law, draw a conclusion, as to whether, the approval deserves to be granted or should be refused. Let such orders be passed on the merits of the proposal, within a period of 60 days from the date of receipt of communication dated 04.05.2023 from the Management.

(S. G. CHAPALGAONKAR)
JUDGE

(SMT. VIBHA KANKANWADI)
JUDGE