



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

924 WRIT PETITION NO. 9312 OF 2024

HARSHA SHANTARAM SAPKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY AND OTHERS

...
Advocate for petitioner : Mr. Vinod P. Patil
AGP for the respondent – State : Mr. V.M. Jaware
...

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

DATE : 29 AUGUST 2024

PC :

Leave granted to amend the petition. Amendment to be carried out forthwith.

2. We have heard both the sides.

3. Petitioner's proposal seeking approval to his appointment came to be rejected by respondent No. 4 – Education Officer (Secondary) Zilla Parishad, Jalgaon vide communication dated 11-10-2023 only on the ground that the procedure as contemplated by the Government Resolution dated 23.06.2017 was not followed.

4. We have already taken a view by **order dated 10.06.2024** in **Writ Petition No. 13150 of 2022** in the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and others** that the

Education Officer/Deputy Director of Education has to conduct objective scrutiny of the proposal and it cannot be rejected only on the ground that procedure as contemplated by the Government Resolution was not followed.

5. In that view of the matter, we dispose of the petition by quashing the communication dated 11-10-2023 and directing the respondent No. 4 - Education Officer (Secondary), Zilla Parishad, Jalgaon to reconsider the proposal of the petitioner for grant of approval to his appointment on its own merits. The decision shall be taken as expeditiously as possible and in any case within a period of four (04) weeks from today. However, same shall not be rejected on the grounds mentioned in the impugned communication.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

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