



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

WRIT PETITION NO. 6051 OF 2022

Balaji Arvind Sagar .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

**AND
WRIT PETITION NO. 6100 OF 2022**

Shaikh Khalil Latif .. Petitioner
Versus
The State of Maharashtra and others .. Respondents

Shri D. S. Mali, Advocate for the Petitioner in both matters.
Shri R. S. Wani, A.G.P. for the Respondent Nos. 1 to 4 in both matters.
Shri L. H. Kawale, Advocate for the Respondent Nos. 5 and 6 –
absent in both matters.

**CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 01 JULY 2024.**

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

- . Heard both the sides finally at the admission stage.
2. Both these petitions are being disposed by this common order as the respondent authorities and respondent/management are common.
3. Petitioners are aggrieved by rejection of their proposals seeking approval to their appointments. In both matters Education Officer cited two reasons to reject the proposals

namely (i) non adherence to Government Resolution dated 23.06.2017 and (ii) operation of ban imposed by the Government Resolution dated 04.05.2020.

4. Petitioner in Writ Petition No. 6051 of 2022 belongs to N.T. category and appointed as Shikshan Sevak on 14.06.2020. Whereas petitioner in Writ Petition No. 6100 of 2022 belongs to open category and appointed as Shikshan Sevak on 01.04.2018.

5. Learned counsel for the petitioners submits that in view of **judgment dated 21.06.2024** rendered in the matter of **Avinash Marotirao Kamble Vs. State of Maharashtra and others in Writ Petition No. 9163 of 2021**, impugned orders are unsustainable. He would point out that already we have taken a view vide **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 Pavitra Portal has not been put to the desired use and the proposals cannot be rejected for want of adherence to the Government Resolution dated 23.06.2017.

6. We propose to follow our judgment rendered in the matter of **Avinash Marotirao Kamble Vs. State of Maharashtra and others** (supra), wherein *inter alia*, we have referred to our latest judgment in the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and others** (supra). We find that there is no objective scrutiny of the proposals by the Education Officer. We have our reservations for application of

ban to the recruitment, when petitioner in Writ Petition No. 6051 of 2022 belongs to N. T. category, considering the judgment **dated 10.07.2017** of the Division Bench in the matter of **Smt. Munoli Rajashri Karabasappa Vs. State of Maharashtra and others in Writ Petition No. 8587 of 2016**. We therefore propose to dispose of both the writ petitions by directing the Education Officer to reconsider the proposals.

7. Impugned orders are quashed and set aside. The respondent No. 4/Education Officer (Secondary), Zilla Parishad, Latur shall reconsider proposals of the petitioners afresh and decide those on their own merits, as expeditiously as possible and in any case within a period of four (04) weeks from today. However, he shall not reject them on the grounds mentioned in the impugned order. Writ petitions are disposed of.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/July 24