



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5838 OF 2024

Akshay Muktaji Lakudzode

... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
School Education and Sport Department,
Mantralaya, Mumbai.
2. The Education Officer (Secondary),
Zilla Parishad, Ahmednagar,
District Ahmednagar
3. Krishak Seva Sangh, Koregaon,
Taluka Shrigonda, Dist. Ahmednagar
through its General Secretary

... RESPONDENTS

...

Advocate for the Petitioners : Mr. Dighe Vitthal Haribhau
AGP for Respondents/State : Mr. K.S. Patil

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

DATE : 20.06.2024

PER COURT:

Leave granted to file a document dated 17.11.2023
purportedly a communication addressed to the Education Officer
(Secondary) Zilla Parishad, Ahmednagar by the Headmaster of the
respondent - School.

2. The petitioner is before us being aggrieved and dissatisfied by the decision of the Education Officer refusing to grant approval to his appointment on compassionate ground vide communication dated 08.05.2023 (**Exhibit-A**).

3. We have heard both the sides.

4. One cannot lose sight of the fact that the Education Officer is duty bound to consider the proposals on its own merits, however, it is not a matter of adjudication or a litigation. Apparently by the impugned communication, he has refused to accord approval by noting five shortcomings in the proposal. If at all there were such shortcomings, he ought to have solicited explanation/compliance from the Management, instead he has rejected the proposal.

5. It is being pointed out that subsequently vide communication dated 17.11.2023 the Headmaster, after due compliance with the shortcomings, has submitted a proposal afresh. In that view of the matter, it would be appropriate that the impugned order is quashed and set aside and the Education Officer is directed to consider the proposal afresh on its own merits and by taking into consideration the compliances stated to have been made by the Management.

6. The writ petition is allowed partly. The impugned order is quashed and set aside. The matter is remitted back to the Education Officer (Secondary), Zilla Parishad, Ahmednagar for taking appropriate decision on the proposal forwarded by the respondent - School for grant

of approval to the petitioner's appointment on compassionate ground, on its own merits and in the light of the observations made herein above, as expeditiously as possible and in any case within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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