



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8759 OF 2021

PRAKASH GURMUKH RATHOD
VERSUS
THE STATE OF MAHARASHTRA THR ITS
PRINCIPAL SECRETARY AND OTHERS

...

Advocate for the Petitioner : Ms. Patil Nayana Parag
AGP for Respondent Nos.1 to 3 : Mr. A.R. Kale
Advocate for respondent Nos.4 and 5 : Mr. S.S. Tope

...

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

DATE : 19.08.2024

PER COURT:

Heard.

2. Petitioner's proposal seeking approval to his appointment came to be rejected by respondent No.3 – Education Officer (Secondary), Jalgaon vide communication dated 30.03.2021 only on the ground that the procedure as contemplated by the Government Resolution dated 23.06.2017 was not followed.

3. 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.

4. In that view of the matter, we dispose of the petition by quashing the communication dated 30.03.2021 and directing the respondent No.3- Education Officer (Secondary), Jalgaon to reconsider the proposal of the petitioner for grant of approval to his appointment on its own merit. 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, J.)

(MANGESH S. PATIL, J.)

habeeb