



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

1028 WRIT PETITION NO. 10256 OF 2022

TEJESH SUDHAKAR AKOLKAR

VERSUS

THE STATE OF MAHARASHTRA

THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

AND

1029 WRIT PETITION NO. 10386 OF 2022

MACHINDRA BABASAHEB KATE

VERSUS

THE STATE OF MAHARASHTRA

THROUGH THE PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioners : Mr. V.S. Panpatte

AGP for Respondents/State : Mrs. M.N. Ghanekar

Advocate for Respondent No.4 and 5 : Mr. M.V. Bhamre

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**CORAM : S. G. MEHARE AND
SHAILESH P. BRAHME, JJ.**

DATE : 26th NOVEMBER 2024

PER COURT :

. Heard both the sides finally.

2. The petitioners are the teachers who are employees of respondent no.4/Management, but working in different schools run by it. They were appointed by distinct orders passed on 01.07.2018. Their proposals were turned down by the respondent no.3/Education Officer by separate orders dated 16.02.2020 which are subject matter in these petitions.

3. The common ground for rejection of the proposals is that the appointments were not made in pursuance of Government Resolution dated 23.06.2017 of recruitment through online portal.
4. Learned Counsel for the petitioners submits that the present matters are squarely covered by the view taken in the matters of **Shaikh Jaweriya Khadarsab Vs. State of Maharashtra and Others**, in Writ Petition No.13150/2022 and **Lalit s/o Sureshrao Shinde Vs. State of Maharashtra and Others**, in Writ Petition No.14420/2021.
5. Learned AGP supports impugned orders. It is submitted that the appointments of the petitioners are not in accordance with law.
6. We have been consistently holding that the Government Resolution dated 23.06.2017 or any other Government Resolutions for appointment through online portal have not been put to effective use. The Education Officer cannot reject the proposals without conducting objective scrutiny of the proposals. Learned Counsel for the petitioners has rightly referred the earlier orders. The matters need to be remitted to the respondent no.3 to reconsider the proposals on its own merits.
7. The writ petitions are allowed partly.
8. The impugned orders issued by the respondent no.3/Education

Officer are quashed and set aside.

9. Respondent No.3 shall reconsider the proposals and decide them on its own merits within four weeks, but he shall not reject the same for the reasons which are already assigned in the impugned orders.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..