



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7212 OF 2024

Smt. Vaibhavi d/o Marotirao Pawar ... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Principal Secretary,
School Education Department,
Mantralaya, Mumbai-32.
2. The Deputy Director of Education
Latur Division, Latur
3. The Education Officer, (Secondary)
Zilla Parishad, Latur ... RESPONDENTS

...
Advocate for the Petitioner : Mr. V.S. Panpatte
AGP for Respondent/State: Mr. V.M. Chate

...

CORAM : MANGESH S. PATIL &
S.G. CHAPALGAONKAR, JJ.

DATE : 09.08.2024

PER COURT:

Heard.

2. The petitioner is challenging the order of respondent No.3 – Education Officer (Secondary) (**Exhibit-K**), whereby, he has refused to grant approval to her appointment, *inter alia* on the ground that it was not made in accordance with the Pavitra Portal envisaged by Government Resolution dated 23.06.2017 and 07.02.2019.

3. In the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and Ors.**; W.P. No.13150/2022 by the order dated

10.06.2024, we have already indicated the shortcomings in the implementation of Pavitra Portal and even the stand of the State Government realizing the difficulties and permitting a recruitment to be undertaken on contractual and temporary basis. We in similar set of facts have been directing the Education Officers/Deputy Director of Education to take decision on such proposal for grant of approval to the appointment of teachers on their own merits and preventing them from refusing the approvals by referring to the aforementioned Government Resolutions.

4. By the impugned communications, the Education Officer seems to have even pointed out seven shortcomings in the proposal. It appears that by communication dated 18.06.2024 the respondent – Management and the Headmaster seem to have sought to comply with and cure these shortcomings. It being not an adversarial litigation, the Education Officer can undertake a fresh scrutiny of the proposal in the light of compliances made subsequent to passing of the impugned order.

5. The writ petition is allowed partly.

6. The impugned order is quashed and set aside.

7. The respondent No.3 - Education Officer (Secondary) shall take fresh decision on the proposal in accordance with law and on its own merits and by taking into consideration the attempt made by the Management and the School for curing the defects vide communication dated 18.06.2024.

8. The Education Officer shall decide the proposal afresh, as expeditiously as possible and in any case within five weeks, however, it shall not be rejected only on the ground that the appointment was not consistent with Government Resolutions dated 23.06.2017 and 07.02.2019.

(S.G. CHAPALGAONKAR, J.)

(MANGESH S. PATIL, J.)

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