



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8086 OF 2024

Akshya s/o Balaji Chitale

... PETITIONER

VERSUS

1. State of Maharashtra,
School Education Department,
Mantralaya, Mumbai
through its secretary
2. Grievance Redressal Committee
Latur Division, Latur
through its chairman
3. The Deputy Director of Education
Latur Division, Latur
4. The Secretary,
Lokjagruti Shikshan Shanstha,
Valandi, Tq. Devni, Dist. Latur
5. The Principal,
Vivek Vardhini Higher Secondary
School Devni, Tq. Devni, Dist. Latur

... RESPONDENTS

...

Advocate for the Petitioner : Dr. Godbole R.J.

AGP for Respondents: Mr. PP Dawalkar

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

DATE : **01.08.2024**

ORDER (PER : SHAILESH P. BRAHME, J.) :

Issue notice to the respondent Nos.1 to 3. Learned AGP
waives service for respondents - State.

2. Heard both the sides finally.

3. The petitioner is challenging the order dated 13.03.2024 passed by respondent No.3 – Deputy Director of Education and the order dated 19.04.2024 passed by the appellate forum that is a committee constitute under the Government Resolution dated 07.03.2024. The trial authority as well as the appellate authority rejected the proposal only on the ground that there was non-compliance of Government Resolution dated 23.06.2017.

4. The petitioner was appointed in the respondent – Management as he was belonging to scheduled tribe category, vide order dated 05.01.2024. Thereafter, the proposal was forwarded to the respondent No.3 – Deputy Director of Education. The proposal was rejected on the ground that there was non-compliance of Government Resolution dated 23.06.2017. It reveals that no objective scrutiny of the proposal was made by respondent No.2. Being aggrieved the petitioner preferred appeal before respondent No.2 – Committee. The Committee also confirmed the order without examining the manner of appointment of the petitioner.

5. We have been consistently taking view, following our judgment in **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and Ors.; W.P. No.13150/2022** dated 10.06.2024 that the proposal seeking approval for the appointment cannot be rejected without conducting objective scrutiny, solely on the ground of non-compliance of Government Resolution dated 23.06.2017. The same view was reiterated in the

matter of **Lalit Sureshrao Shinde Vs. The State of Maharashtra and Ors.;**
W.P.No.10270/2019 dated 15.10.2019.

6. The respondent No.3 – Deputy Director of Education is under obligation to examine the proposal. The petitioner is coming with the case that his appointment was through reservation. Therefore, it needs to be taken into account the law laid down by division bench in the matter of **Monali Vinodrao Bhuyar Vs. the State of Maharashtra and Ors.;** **W.P.4344/2022**. Other factors showing the appointments the manner in which the petitioner came to be appointed also needs to be considered by the said authority. We, therefore, dispose of this petition by directing the respondent No.3 to examine the proposal afresh.

7. The impugned orders passed by the respondent Nos.2 and 3 are quashed and set aside. The respondent No.3 – Deputy Director of Education shall reconsider the proposal of the petitioner on its own merits considering the policies and the law laid down in the above referred matters. The decision shall be taken within a period of four weeks from today. However, the proposal shall not be rejected on selfsame ground mentioned in the present impugned communication. The writ petition is disposed of.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)