



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1031 WRIT PETITION NO. 11683 OF 2022

VRUSHALI VASANT MURDARE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH ITS PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioner : Mr. V.S. Panpatte
AGP for Respondents/State : Mrs. M.N. Ghanekar
Advocate for Respondent No.3 and 4 : 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 petitioner is a teacher who is the employee of respondent no.4/Management. She was appointed on 01.07.2020. The respondent no.3/Education Officer, turned down her proposal vide order dated 11.07.2022 which is the subject matter in this petition.

3. The ground for rejection of the proposal is that the appointment was not made in pursuance of Government Resolution dated 23.06.2017 of recruitment through online portal.

4. Learned Counsel for the petitioner submits that the present matter is 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 order. It is submitted that the appointment of the petitioner is 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 proposal without conducting objective scrutiny of the proposal. Learned Counsel for the petitioner has rightly referred above orders. The matter needs to be remitted to the respondent no.3 to reconsider the proposal on its merit.

7. The writ petition is allowed partly.

8. The impugned order issued by the respondent no.3/Education Officer is quashed and set aside.

9. Respondent No.3 shall reconsider the proposal and decide it on its merit within four weeks. However he shall not reject the same for the reasons which are already assigned in the impugned order.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..