



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

1030 WRIT PETITION NO. 11495 OF 2022

DNYANESHWAR PRALHAD CHIKANE

VERSUS

THE STATE OF MAHARASHTRA

THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

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

...

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

DATE : 26th NOVEMBER 2024

PER COURT :

. In this petition, the grievance is in respect of the rejection of the proposal seeking approval to the appointment of the petitioner. The petitioner was appointed on 01.07.2019. The respondent no.3/Education Officer rejected his proposal on three grounds which are as follows :

- (i) The appointment was not in accordance with the Government Resolution dated 06.02.2012.
- (ii) No procedure contemplated by the Government Resolution dated 23.06.2017 and 20.06.2018 was followed.
- (iii) There was ban imposed by the Government Resolution dated 04.05.2020.

2. Learned Counsel for the petitioner refers various orders which cover this case. He submits that issue is no more res integra.

3. Learned AGP supports the impugned communications. He would submit that as the appointments of the petitioners were not in accordance with the policies which were then prevailing. The Education Officer is justified in rejecting the proposals.

4. These matters are already covered by the earlier judgments. For that purpose, reliance is placed on the order passed by the coordinate bench in the matter of Pawase Dattatraya Bhausaheb and Others Vs. State of Maharashtra and Others, in Writ Petition No.8002/2020. Additionally he tenders on record a few orders of the coordinate benches passed in the matters of Bhima s/o Bhaskar Dighe Vs. State of Maharashtra and Others in Writ Petition No.7397/2022 and Raut Swati Jayprakash Vs. State of Maharashtra and Others in Writ Petition No.8175/2021. The common thread of all these decisions is that the Education Officer was directed to reconsider the proposal afresh.

5. We have been consistently holding that the Government Resolution dated 23.06.2017 has not been put to the use. We have already taken such a view in the matter 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. The ban imposed by the Government Resolution dated 04.05.2020 is not absolute. It has repercussions of financial implication. The approving authority has discretion while considering proposal. The Government

Resolution dated 06.02.2012 appears old and superseded by subsequent policies.

6. We are of considered view that the objective scrutiny of the proposal needs to be done afresh, therefore pass the following order :

ORDER

- a. Writ Petition is allowed partly.
- b. The impugned communication issued by the respondent no.3/Education Officer is quashed and set aside.
- c. The respondent no.3/Education Officer shall reconsider the proposal and decide it on own merits.
- d. The parties are at liberty to produce before the Education Officer relevant documents, case laws or the Government Resolutions if any within a week from today.
- e. The decision shall be taken within four weeks from today. However the Education Officer shall not reject the proposal for the reasons which are already assigned in the impugned communications.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..