



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

WRIT PETITION NO. 12876 OF 2022
AJIM SHERKHAN SHAIKH
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 12878 OF 2022
TUSHAR ASHOK BORDE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 13017 OF 2022
ARTI MANJABAPU GHODAKE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 13022 OF 2022
KISHOR MACHHINDRA RAUT
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 13024 OF 2022
RAMNATH NAVAJI BAGAD
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS
WITH

WRIT PETITION NO. 13200 OF 2022
NITIN BAPUSAHEB KACHARE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

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Advocate for Petitioner in all matters : Mr. V.S. Panpatte
Addl.GP for Respondents/State in all matters : Mrs. P .S. Patil
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 : 27th NOVEMBER 2024

PER COURT :

. In these petitions, the grievance is in respect of the rejection of the proposals seeking approval to the appointments of the petitioners.

2. The petitioners were appointed on 01.12.2021, 01.07.2021, and 01.08.2021.

3. The respondent no.3/Education Officer rejected their proposals vide order dated 11.07.2022 on three grounds which are as follows :

- (i) The appointments were not in accordance with the Government Resolution dated 06.02.2012.
- (ii) No procedure contemplated by the Government Resolution dated 23.06.2017 and 07.02.2019 was followed.
- (iii) There was ban imposed by the Government Resolution dated 04.05.2020.

4. Learned Counsel for the petitioners refers various orders which covers the issues raised in these cases. He submits the issue is no more res integra.

5. Learned AGP supports the impugned communications. He would submit that 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.

6. The issue involved in these petitions is 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 Bhausahab 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.

7. We have been consistently holding that the Government Resolution dated 23.06.2017 and 07.02.2019 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 superseded by subsequent policies.

8. We are of considered view that the objective scrutiny of the proposals need to be done afresh, therefore pass the following order :

ORDER

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

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

V.S.J.