



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

WRIT PETITION NO. 11731 OF 2022

ABHIJIT ARJUN CHITALE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 11745 OF 2022

SANDEEP RAMDAS NEHUL

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

WRIT PETITION NO. 11744 OF 2022

ANJALI NARAYAN DHAKTODE

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

WRIT PETITION NO. 11748 OF 2022

MANISHA SAHEBRAO GAWALI

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

WRIT PETITION NO. 11750 OF 2022

VANDANA SADASHIV BANGAR

VERSUS

THE STATE OF MAHARASHTRA
THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

WRIT PETITION NO. 11808 OF 2022

CHANDRAKANT ASHOK KSHIRSAGAR

VERSUS

THE STATE OF MAHARASHTRA

THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

Advocate for Petitioners : 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 all these petitions, the grievance is in respect of the rejection of the proposals seeking approval to the appointments of the petitioners. The petitioners were appointed on 01.07.2020. So far as Petitioner - Chandrakant Ashok Kshirsagar is concerned, he was appointed on 01.08.2021. The respondent no.3/Education Officer rejected the proposals vide order dated 11.07.2022 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 proposals 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 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 their 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 proposals for the reasons which are already assigned in the impugned communications.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..