



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

WRIT PETITION NO. 5757 OF 2023

**MANOJ BHIMLAL HARNE
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner : Mr. V.C. Patil h/f Mr. Bondar Uttam Bajirao
AGP for Respondents/State : Mr. S.R. Yadav Lonikar
Advocate for Respondents Nos. 5 & 6 : Mr. Panpatte V. S.

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

DATE : 20 AUGUST 2024

PER COURT :

. Heard.

2. Petitioner's proposal seeking approval to his appointment came to be rejected by the respondent No. 2/Deputy Director of Education vide impugned order dated 23.07.2020 (Exhibit-G) only on the ground that the procedure as contemplated by the Government Resolution dated 23.06.2017 was not followed.

3. We have already taken a view by **order dated 10.06.2024 in Writ Petition No. 13150 of 2022** in the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and others** that the Education Officer/Deputy Director of Education has to conduct

objective scrutiny of the proposal and it cannot be rejected only on the ground that procedure as contemplated by the Government Resolution was not followed.

4. In that view of the matter, we dispose of the petition by quashing the impugned order and directing the respondent No. 2/Deputy Director of Education, Aurangabad to reconsider the proposal of the petitioner for grant of approval to his appointment on its own merits. The decision shall be taken as expeditiously as possible and in any case within a period of four (04) weeks from today. However, same shall not be rejected on the grounds mentioned in the impugned order.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]

Najeeb..