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minutes order dated 16.07.2024

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10000 OF 2023

Vijaya Anandrao Gopchade .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri V. S. Panpatte, Advocate for the Petitioner.

Mrs. Kalpalata B. Patil Bharaswadkar, A.G.P. for the Respondent
Nos. 1 to 3.

Shri I. D. Maniyar, Advocate for the Respondent Nos. 4 and 5.

CORAM : MANGESH S. PATIL AND
SHAILESH P. BRAHME, JJ.
DATE : 26 JUNE 2024.

FINAL ORDER (Per Shailesh P. Brahme, J.) :-

. Heard both the sides finally at the admission stage.

2. Petitioner is aggrieved by rejection of proposal seeking approval to his appointment communicated by the respondent No. 3/Education Officer (Secondary), Zilla Parishad, Nanded on 24.07.2023. Only ground for rejection of the approval is non adherence to the procedure of recruitment through online portal laid down in Government Resolution dated 10.06.2022.

3. Petitioner was appointed against a post reserved for O.B.C.

category on 20.02.2023 as a Shikshan Sevak. At the time of her appointment Government Resolution dated 23.06.2017 was in force. The Government Resolution dated 10.06.2022 was issued laying down additional parameters for considering the proposals for approval.

4. Though there are policies of the Government stipulating recruitment through online portal system (Pavitra Portal), we have come across number of appointments which were made without following the procedure and still were approved. We have also noticed couple of decisions of the coordinate benches. Taking stock of the situation, we have taken a view in the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and others in Writ Petition No. 13150 of 2022 vide judgment and order dated 10 June 2024** that pavitra portal has not been put to desired use. An appointment cannot be castigated bad in law for want of procedure of Pavitra Portal. Relying on the decision referred to above, we have consistently relegated the matters to the Education Officer for reconsideration. In the present matter, we propose to follow same view.

5. While rejecting the proposal for approval no other reason is cited by the respondent No. 3/Education Officer. It would be open for him to take into account statutory provisions while examining the proposal afresh.

6. Impugned order/communication dated 24.07.2023 issued by

the respondent No. 3/Education Officer (Secondary), Zilla Parishad, Nanded is quashed and set aside. The respondent No. 3 shall reconsider proposal of the petitioner for grant of approval on its own merits and decide it as expeditiously as possible and in any case within a period of four (04) weeks from today. However, it shall not be rejected on the self same ground recorded in the impugned order. Writ petition is accordingly allowed partly.

[SHAILESH P. BRAHME, J.] [MANGESH S. PATIL, J.]

bsb/June 24