



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11713 OF 2022

1. Ritesh s/o Anil Ladhe
2. Shekhar s/o Suresh Bhangale .. Petitioners

Versus

1. The State of Maharashtra
Through its Principal Secretary,
School Education Department,
Mantraya, Mumbai-32.
2. The Education Officer (Secondary)
Zilla Parishad, Jalgaon.
3. Vidya Vikas Mandal
Khirdi Khurd, Tq. Raver,
Dist. Jalgaon, Through its Chairman
4. Smt. Shantabai Pralhad Rane
Madhyamik Vidyalaya, Khirdi Khurd,
Tq. Raver, Dist. Jalgaon,
Through its Head Master. .. Respondents

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Mr. V. S. Panpatte, Advocate for the petitioner.
Dr. K. B. Patil Bharaswadkar, AGP for respondent Nos.1 and 2 – State.
Mr. B. P. Gonare, Advocate for respondent Nos.3 and 4.

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

DATE : 27 JUNE 2024

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

Heard both the sides finally.

2. Petitioners are aggrieved by communications dated 21.01.2022 issued by respondent No.2 Education Officer refusing to grant approval to their appointments on the sole ground that in view of staffing pattern introduced by the Government Resolution dated 11.12.2020, the posts to which the petitioners are appointed are not admissible and available.

3. Learned Counsel for the petitioners is challenging the impugned communication on the ground that the new staffing pattern was introduced by Government Resolution dated 11.12.2020, which would not operate retrospectively.

4. Learned AGP would submit that the appointments of the petitioners are suspicious. Vacancy was created much earlier in point of time. Though petitioners are shown to have been appointed in the year 2015, conspicuously the proposals are being submitted on or about 03.01.2022, belatedly. In that view of the matter, Education Officer is justified in refusing to grant approval to the appointments of the petitioners.

5. The only reason cited by the Education Officer in rejecting the proposal is unsustainable, because the appointments of the petitioners are prior in time. Government Resolution dated 11.12.2020 can be made applicable to the appointments made after the enforcement of the Government Resolution. We find that objective scrutiny has not been

undertaken by the Education Officer while considering proposal of the petitioners. It would be open to the Education Officer to consider proposal of both the petitioners afresh.

6. Impugned communications dated 21.01.2022 passed by respondent No.2 Education Officer are quashed and set aside.

7. We dispose of the petition by directing the Respondent No.2 Education Officer to consider the proposals afresh.

8. Respondent No.2 Education Officer shall reconsider the proposal on its own merits and shall decide the same as expeditiously as possible and in any case, within a period of four weeks.

9. He shall not reject the proposal on the same ground which is mentioned in the impugned communication.

10. Writ Petition is disposed of in the above terms.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm