



IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

937 WRIT PETITION NO. 651 OF 2021

GOVIND SAMBHAJIRAO KAWLE

VERSUS

PRINCIPAL SECRETARY DEPARTMENT OF SCHOOL  
EDUCATION AND OTHERS

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Advocate for the Petitioner : Mr. Nagargoje Ankush N.

AGP for Respondent Nos. 1 & 2 : Mr. V.M. Kagne

Advocate for Respondent No. 3 : Mr. S.B. Pulkundwar

Advocate for Respondent No. 4 : Mr. Maniyar Irfan D.

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CORAM : S. G. MEHARE AND  
SHAILESH P. BRAHME, JJ.

DATE : 13 NOVEMBER 2024

PER COURT :

1. Heard both sides finally.
2. The petitioner is aggrieved by the order dated 07.10.2020 passed by respondent no. 3 / Education Officer turning down his proposal seeking approval to his appointment as a trained graduate teacher in respondent no. 4 / Primary School. The rejection of the proposal is on the ground that the qualification of the petitioner is not equivalent to the qualification of trained graduate teacher.
3. Learned counsel Mr. Pulkundwar appearing for respondent no. 3 / Education Officer tenders on record affidavit-in-reply.

4. After considering the matter for a while it revealed that the proposal is rejected only on one ground stated above, whereas the petition is opposed by filing an affidavit-in-reply on further grounds like the appointment was backdated, there was non compliance of the government resolution for appointment to online portal, the petitioner was not holding the TET qualification.

5. It is not permissible for the respondents to supply the additional reasons which are not incorporated in the impugned communication in view of judgment rendered by Supreme Court in the matter of Mohinder Singh Gill and Another Versus The Chief Election Commissioner, New Delhi and Others, [1978] 2 S.C.R. 272.

6. In that view of the matter we deem it appropriate to direct respondent no. 3 / Education Officer to reconsider the proposal.

7. The writ petition is disposed of by quashing the impugned communication and directing the respondent no. 3 / Education Officer to consider the proposal if it is submitted by the respondent / Management within two weeks. All points are kept open. The decision shall be taken within two weeks on its merit.

**[ SHAILESH P. BRAHME, J. ]**

**[ S.G. MEHARE, J. ]**