



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

32 WRIT PETITION NO.6734 OF 2023

1. Shri. Shivshakti Shikshan Prasarak
Mandal, Shelgaon, Tq. Paranda,
Dist. Osmanabad,
Through its President
Shri. Subhashrao Pandurang More
2. Manikbaba Secondary and Higher
Secondary School, Shelgaon,
Tq. Paranda, Dist. Osmanabad,
Through its Head Master.
3. Smt. Anjali Satishrao Deshmukh
Age: 34 years, Occu.: Service,
Presently working as Junior Clerk
Manikbaba Vidyalaya, Shelgaon,
Tq. Paranda, Dist. Osmanabad.

.. PETITIONERS

VERSUS

1. The State of Maharashtra
Through the Secretary
School Education and Sports Department
Mantralaya, Mumbai-32.
2. The Principal Secretary
Department of Finance
Mantralaya, Mumbai-32.
3. The Education Officer (Secondary),
Zilla Parishad, Osmanabad.

.. RESPONDENTS

...
Mr. M. K. Jadhav, Advocate for the Petitioners.
Mr. S. P. Joshi, AGP for Respondent Nos.1 to 3 – State.
...

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

DATE : 10 JUNE 2024

ORDER :-

Heard both the sides.

2. Petitioners are aggrieved by the impugned order whereby the respondent – Education Officer has refused to grant approval to the appointment of petitioner No.3 only by referring to the Government Resolution dated 4 May 2020, whereby filling of the vacancies/ recruitment was stopped in the light of pandemic.

3. The learned Advocate for the petitioners tenders across the bar a copy of the communication dated 21 February 2024 circulated to the Deputy Director of Education (Secondary and Higher Secondary), Maharashtra State, Pune, *inter alia* informing that in the light of the directions issued by the this Court at Principal Seat in Writ Petition No.8007 of 2021 and Writ Petition No.5058 of 2021 dated 6 February 2024, directing them to consider the proposals for sanctioning the divisions and the recruitment in the light of the Government Resolutions dated 28 January 2019 and 7 March 2019. The learned Advocate for the petitioners submits that in view of such circular, the effect of the ban imposed by virtue of Government Resolution dated 4 May 2020 stands revoked.

4. We are not concerned with the interpretation and consequence of the subsequent Circular dated 21 February 2024. It seems that the impugned order refuses to consider the petitioners case for grant of

approval only in the light of Government Resolution dated 4 May 2020.

5. We allow the writ petition partly, set aside the impugned order dated 10 February 2022 and direct the respondent - Education Officer (Secondary) to consider the petitioners case for grant of approval afresh on its own merits, including the stand being taken by the petitioners in the light of Circular dated 21 February 2024. The decision shall be taken by extending the petitioners an opportunity of being heard, as expeditiously as possible and in any case, within a period of six weeks.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

scm