



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10695 OF 2024

Manoj Thansing Chavan

... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
School and Education Department,
Mantralaya, Mumbai – 32
2. The Education Officer, (Secondary)
Zilla Parishad, Nandurbar
3. Nageshwar Kisan Shikshan
Prasarak Mandal Aslod,
Tq. Shahada Dist. Nandurbar
through its Secretary
4. Jay Kisan Vidyalay, Aslod
Tq. Shahada, Dist. Nandurbar
through its Headmaster

... RESPONDENTS

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Advocate for the Petitioner : Mr. Deshmukh Bhausaheb Sadashivrao
A.G.P for Respondent/State : Mrs. S.S. Joshi

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CORAM

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

DATE

: 30.09.2024

PER COURT :

The petitioner is challenging the order of the respondent –
Education Officer (Secondary) dated 24.05.2023 (**Exhibit-E**), whereby, he
has refused to grant approval to the petitioner's appointment as a
Shikshan Sevak on the following grounds :

- a. Pursuant to the Government Resolution dated 02.05.2012 there was a ban on the recruitment and ;
 - b. He was not appointed by following the Pavitra Portal in the light of Government Resolution dated 23.06.2017.
2. We have heard both the sides.
3. Considering the fact that the petitioner is from ST category, in the light of decision in the matter of **Smt. Munoli Rajashri Karabasappa Vs. State of Maharashtra through Secretary and Ors.; WP No.8587/2016 dated 10.07.2017** which has thereafter been consistently followed by several coordinate division benches, the ban purportedly imposed by the GR dated 02.05.2012 would not be applicable to the petitioner's case.
4. So far as the appointment not being through Pavitra Portal, we had several occasions to deal with the issue which has been elaborately discussed in the matter of **Shaikh Jaweria Khadarsab Vs. The State of Maharashtra and Ors.;** (WP No.13150/2022) order dated 10.06.2024, demonstrating as to how that cannot be a good and sound reason for refusing to grant approval.
5. Since the impugned order is not sustainable on both the grounds indicated therein, the petition deserves to be allowed, however, the Education Officer will have to take a fresh decision on its own merits except the aforementioned two grounds.
6. The writ petition is allowed partly. The impugned order is quashed and set aside. The respondent – Education officer shall pass a

fresh order on the petitioner's proposal on its own merits but it shall not be rejected on both the grounds mentioned in the impugned communication. The decision shall be taken, as expeditiously as possible, and in any case within six weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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