



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7645 OF 2021

JITENDRA LAXMAN DAKE

VERSUS

THE STATE OF MAHARASHTRA

THR THE PRINCIPAL SECRETARY AND OTHERS

WITH

WRIT PETITION NO. 3943 OF 2023

AMOL DEVIDAS SASKAR

VERSUS

THE STATE OF MAHARASHTRA

THROUGH THE PRINCIPAL SECRETARY AND OTHERS

...

WRIT PETITION NO. 12691 OF 2021

AARATI AMOGH KULKARNI

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

WRIT PETITION NO. 12707 OF 2021

VAISHALI NAMDEO KOLHE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Shelke Shivaji T.

AGP for Respondents/State : Mr. A.S. Mantri

Advocate for Respondent No.3 : Mr. S.S. Wagh

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

DATE : 18th NOVEMBER 2024

PER COURT :

. In all these petitions, the grievance is in respect of the rejection of the proposals seeking approval to the appointments of the petitioners. The petitioners are appointed in unaided school. The respondent no.2/Education Officer (Secondary) rejected the proposals on three grounds which are as follows :

- (i) The appointment was not in accordance with the Government Resolution dated 02.02.2012.
- (ii) No procedure contemplated by the Government Resolution dated 23.06.2017 and 20.06.2018 was followed.
- (iii) There was ban imposed by the Government Resolution dated 04.05.2020.

2. Learned AGP supports the impugned communications. He would submit that as the appointments of the petitioners were not in accordance with the policies which were then prevailing, the Education Officer is justified in rejecting the proposals.

3. Learned Counsel for the petitioner submits that these matters are already covered by the earlier judgments. For that purpose, reliance is placed on the order passed by the coordinate bench in the matter of Pawase Dattatraya Bhausaheb and Others Vs. State of Maharashtra and Others, in Writ Petition No.8002/2020. Additionally he tenders on record a few orders of the coordinate bench passed in the matters of Bhima s/o Bhaskar Dighe Vs. State of Maharashtra and Others in Writ Petition No.7397/2022 and Raut Swati Jayprakash Vs.

State of Maharashtra and Others in Writ Petition No.8175/2021. The common thread of all these decisions is that the Education Officer was directed to reconsider the proposal afresh.

4. We have been consistently holding that the Government Resolution dated 23.06.2017 has not been put to the use. We have already taken such a view in the matter of **Shaikh Jaweriya Khadarsab Vs. State of Maharashtra and Others**, in Writ Petition No.13150/2022 and **Lalit s/o Sureshrao Shinde Vs. State of Maharashtra and Others**, in Writ Petition No.14420/2021. The ban imposed by the Government Resolution dated 04.05.2020 is not relevant. In the present matter, all the schools are unaided, therefore the ban imposed by Government Resolution dated 04.05.2020 would not apply. The Government Resolution dated 02.02.2012 appears to be older one and superseded by subsequent policies.

5. We are of considered view that the objective scrutiny of the proposals need to be done afresh, therefore pass the following orders :

ORDER

- a. Writ Petitions are allowed partly.
- b. The impugned communications issued by the respondent no.2/Education Officer are quashed and set aside.
- c. The respondent no.2/Education Officer shall reconsider the proposals and decide them on their merits.

d. The parties are at liberty to produce before the Education Officer relevant documents, case laws or the Government Policies.

e. The decision shall be taken within four weeks from today. However the Education Officer shall not reject the proposals for the reasons which are already assigned in the impugned communications.

[SHAILESH P. BRAHME, J.]

[S. G. MEHARE, J.]

Najeeb..