



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11782 OF 2024

JALINDARNATH CHANDRABHAN THUBE
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Mr. Dighe Vitthal Haribhau
AGP for Respondents/State : Mr. S.R. Wakale

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

DATE : 21.10.2024

PER COURT:

Heard both the sides.

2. By the impugned communication (**Exhibit-D**) dated 30.08.2024 the proposal for grant of approval as an Assistant Teacher has been turned down by the respondent No.2 – Deputy Director of Education only on the ground that there were no documents demonstrating about permission having been solicited before undertaking the recruitment process and on the ground that the delay in seeking approval was not expedited.

3. The learned advocate for the petitioner tenders across the bar the communication dated 03.10.2024, whereby, the Management / Headmaster has made an attempt to remove the aforementioned two deficiencies.

4. Considering the fact that it is merely a matter of grant of approval to the petitioner's appointment and the issue is not an adversarial one, there is no harm in directing the respondent No.2 – the Deputy Director of Education to reconsider the proposal in the light of the subsequent compliance made by the Management on 03.10.2024.

5. The writ petition is allowed partly. The impugned order is quashed and set aside. The respondent No.2 shall pass a fresh order, considering the subsequent compliance made by the Management dated 03.10.2024 and take a fresh decision on its own merits within four weeks.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

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